



CRL OP(MD) No.529 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.529 of 2024

MADAKKANNU @ KANNAN ... PETITIONER/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
KADAYAM POLICE STATION,
TENKASI DISTRICT,
CRIME NO.312/2023

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.JEGADEESH PANDIAN Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.312/2023 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent



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police for the alleged offence under Sections 429 & 201 of IPC and Section 138(1)(a) of Electricity Act, 2003, in Crime No.312 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a Villager and doing cattle grazing in the Village. On 19.10.2023, at about 06.00 a.m, when the petitioner returning to home after grazing the cattle, he found that one of his cow was found missing. On searching, the cow was found in a dead position by hit in a electricity fence line belongs to the petitioner's land and subsequently, the said cow was buried in the said land. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency against the accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner have not committed any offence as alleged by the prosecution. He further submitted that the petitioner is residing at Chennai. Hence, he leased out the said land to one Durai, who is arrayed as A3 and he has no knowledge about the alleged electric fencing in the said land. However, the petitioner is ready and willing to pay a sum of Rs.30,000/- by way of Demand Draft to the defacto complainant without prejudice to his rights and prayed for granting anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is come forward to deposit a sum of Rs.30,000/- to the defacto complainant, this Court may consider the anticipatory bail application of the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is come forward to pay a sum of Rs.30,000/- (Rupees Thirty Thousand Only) without prejudice to his rights and contentions to show his bona fides, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambasamudram, Tenkasi District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) (i) the petitioner shall take a Demand Draft in favour of the defacto complainant for a sum of Rs.30,000/- (Rupees Thirty Thousand Only) and produce



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the same before the learned Judicial Magistrate, Ambasamudram, Tenkasi District.

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On production of such Demand Draft, the learned Judicial Magistrate, Ambasamudram, Tenkasi District, shall accept the sureties furnished by the petitioner and entrust the same directly to the defacto complainant.

(iii) the petitioner shall produce the Demand Draft before the execution of the sureties, failing which this order shall stand automatically cancelled.

(b)if the petitioner failed to surrender before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 1030 p.m until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond either during investigation or trial;

(g)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial

Court is entitled to take appropriate action against the petitioner in accordance with



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law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/01/2024

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/01/2024

Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1.THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM, TENKASI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE
KADAYAM POLICE STATION,
TENKASI DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-637[I] dated 11/01/2024)

<https://www.mhc.tn.gov.in/judis>



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ORDER
IN

CRL OP(MD) No.529 of 2024

Date :11/01/2024

RK/VR (23/01/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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