



CRL OP(MD) No.1047 of 2024

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

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1047 of 2024

M.MARISAMY

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.12 OF 2024)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SANKARAKUMARAKURUPARAN.K.P Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.12 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Section 379 of IPC, in Crime No.12
of 2024, seeks anticipatory bail.



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2.The case of the prosecution is that there was agreement talk between the petitioner and the defacto complainant with regard to remove the trees in the college premises of the defacto complainant. But, before entering into agreement, the petitioner cut the trees in the college premises of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he is ready and willing to deposit a sum of Rs.10,000/- to the credit of Crime Number. Thereafter, the said amount may disburse to the defacto complainant without prejudice to his rights and prayed for granting anticipatory bail.

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.10,000/-, this Court may consider the anticipatory bail application of the petitioner.

5.Considering the facts and circumstances of the case and since the petitioner is come forward to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) without prejudice to his rights and contentions to show his *bona fide*, this Court is inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Sivagiri, 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) the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the Credit of Crime No.12 of 2024 before the said Court, before executing bond. Upon receipt of such deposit, the learned **Judicial Magistrate, Sivagiri, Tenkasi District**, shall disburse a sum of Rs.10,000/- directly to the defacto complainant after obtaining appropriate affidavit from the defacto complainant.

(b) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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



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(d) the first petitioner shall report before the respondent police daily at 10.30 a.m, until further orders;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
23/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI, TENKASI DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

+1 CC to M/s.K.P.SANKARAKUMARA KURUPARAN, Advocate (SR-935[I] dated
23/01/2024)

ORDER
IN
CRL OP(MD) No.1047 of 2024
Date :23/01/2024

SS/JGB/SAR- /30/01/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023