



CRL OP(MD) No.3408 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3408 of 2024

SAM @ I.SAMUVEL

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION,
THENKASI DISTRICT.
CRIME NO. 337 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.SHAJAHAN, 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. 337 OF 2018 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 448, 380 of IPC r/w. Section 3 of TNPPDL Act,

1992, in Crime No.337 of 2018, seek anticipatory bail.

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2.The case of the prosecution is that the petitioner and others damaged the house building of the defacto complainant and looted away a cot, bed, sewing machine and others worth about Rs.1,50,000/- from the said house. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the house property in dispute is situated in Railway poramboke land in Kottaivasal. One Singa had sold the above said house property to the first accused by way of unregistered sale deed for a valuable sale consideration on 01.01.2016. Thereafter, the petitioner purchased the said property on 03.02.2017 for a sum of Rs.7,00,000/- and he is the original owner of the said property. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the damage caused to the said property is worth about Rs.1,00,000/- and the investigation is pending in this case. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that there is no serious allegation made against the petitioner, I am inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, the petitioner is granted anticipatory bail and he 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, Sengottai, 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)if the petitioner 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;

(b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., for the period of two weeks and thereafter, he shall appear before the respondent Police

as and when required;

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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 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;

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

sd/-
04/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE,
SENGOTTAI.



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION,
THENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-2715[I] dated 05/03/2024)

ORDER
IN
CRL OP(MD) No.3408 of 2024
Date :04/03/2024

PKP/GS/SAR /11.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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