



CRL OP(MD) No.4356 of 2024

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

Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 CHINNAKARUPPAIAH

2 NAGAPANDI

3 PRABHU @ JEYAPRABHU

4 TAMILAN @ TAMILARASAN

5 ILLAYARAJ @ ILAYARAJA

... PETITIONERS / ACCUSED No.1 TO 5

Vs

THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT,
CRIME NO. 39 OF 2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.VADIVELAN.T 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. 39 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 429 and 506(ii) of IPC in Crime No.39 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, the petitioners entered into the defacto complainant's field and killed the cattle (Goat) and threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, he further submitted that the petitioners, without prejudice to their rights, are ready and willing to deposit a sum of Rs.15,000/- to the de-facto complainant directly by way of demand draft. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that investigation is pending and hence, he strongly opposed to



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grant anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of the case and also considering the allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate Court, Peraiyur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two common 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 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;

(b) the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) by way of demand draft drawn in favour of the de-facto complainant, without prejudice to their rights and contentions and also produce the same before the concerned Court while executing sureties. Thereafter, the learned



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Magistrate shall handover the said demand draft to the de-facto complainant directly;

(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;

(d) the petitioners 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;



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

sd/-
20/03/2024

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/03/2024

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

SJI

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERIAYUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SAPTUR POLICE STATION, MADURAI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to M/s.T.VADIVELAN, Advocate (SR-3442[I] dated 20/03/2024)

ORDER
IN

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Date :20/03/2024

SS/JGB/SAR- /25/03/2024/5P/6C

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