



CRL OP(MD). No.9887 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9887 of 2024

Kannan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
SS Colony Police Station,
Madurai City.
Crime No. 385 of 2024.

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.385 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 427, 294(b) and 506(ii) of IPC, in Cr.No.385 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant purchased a property vide Doc.No.1447 of 2006, the petitioner and others said to have trespassed into the property and also attempted to damage the fence with the help of JCB. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that it is the land dispute between the parties and no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioner and no one has sustained



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injury, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and as and when required for interrogation.

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



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

(e)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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-

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Sub-Assistant Registrar (CS -I/ II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

Rmk

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
SS COLONY POLICE STATION,
MADURAI CITY.



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

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-7514[I] dated 05/07/2024)

ORDER
IN
CRL OP(MD) No.9887 of 2024
Date :05/07/2024

RK/GS (18/07/2024) 5P / 6C

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