



WEB COPY



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

Date : 30/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.17335 of 2022

Subbaiah

... Petitioner/Accused No.1

Vs.

State rep.by
The Inspector of Police
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.158 of 2022).

... Respondent/Complainant

For Petitioner : Mr.S.M.Sanjay, Advocate.

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

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

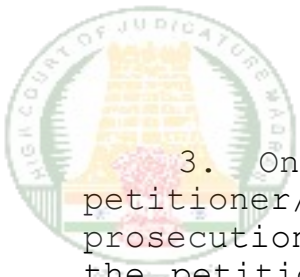
PRAYER :-

For Anticipatory Bail in Crime No.158 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 354, 355, 506(i) of IPC and Section 4 of TNPHW Act, in Crime No.158 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and A2 are husband and wife. Due to previous enmity over a land dispute, the petitioner and other accused abused the defacto complainant in filthy language, threatened him with dire consequences. Hence the complaint.



3. On the side of the petitioner, it is stated that the petitioner/A1 has not committed any offence as alleged by the prosecution. The defacto complainant occupied the forest land and the petitioner sent a petition to the Forest Department and hence, this false case was foisted against the petitioner. The petitioner is aged about 62 years. The petitioner has given a complaint against the defacto complainant herein and the same was not taken on file by the respondent police and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that there are three accused in this case. The petitioner herein is A1, A1 and A2 are husband and wife. Due to a land dispute, the petitioner and others attacked the defacto complainant and others. The petitioner is having 2 previous cases of similar in nature. A case in Crime No. 82 of 2021 was registered against the petitioner under Sections 294(b), 324, 448, 506(ii) I.P.C. and Section 4 of TNPHW Act, and another case in Crime No.133 of 2017 was registered against the petitioner, under Section 107 CrI.P.C. and prayed the petition to be dismissed.

5. Considering the facts and circumstances of the earlier cases and considering the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. This Criminal Original Petition is allowed and the petitioner is are 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, Devakottai, 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 thereafter, as and when required for interrogation.

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

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;



(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, FIR can be registered under Section 229-A IPC..

Sd/-
30/09/2022

/ TRUE COPY /

/10/2022

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

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.SANJAY.S.M. Advocate SR.No.10857

ORDER
IN
CRL OP (MD) No.17335 of 2022
Date : 30/09/2022