



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

Wednesday, the Twenty Ninth day of October Two Thousand Fourteen

PRESENT

The Hon`ble Ms.Justice R.MALA

CRL OP(MD) No.19505 of 2014

SURESH

... PETITIONER / ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
KULASEKARAM POLICE STATION CITY,
KANYAKUMARI DISTRICT CRIME NO.325/2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.K.SEEMARAJ Advocate

For Respondent : Mrs.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as A3 and he apprehends arrest at the hands of the respondent police for the the alleged offence punishable under Section 379 of I.P.C., in Crime No.325 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that due to the property dispute, a false complaint has been given as if the petitioner cut and carried away the rubber trees worth about Rs.25,000/- and the co-accused viz., A1, A2 and A6 were already arrested and enlarged on bail and since the investigation is also considerably over, he prays for enlarging the petitioner on anticipatory bail.

3.Resisting the same, the learned Government Advocate (criminal side) would submit that the alleged occurrence is said to have been taken place on 28.07.2014 and the defacto complainant has obtained an injunction order in O.S.No.293 of 2011 on the file of the District Munsif, Padmanabhapuram. But, the accused and other five members have encroached upon the property and cut and carried away the rubber trees worth about Rs.25,000/-. She fairly conceded that A1, A2 and A6 were arrested and already released on bail and the properties have also been recovered and since the investigation is going on, she prays for dismissal of this application.

4. Considering the rival submissions made by both sides and considering the fact that there is a civil dispute between both the parties and the properties, which was worth about Rs.25,000/- has been



recovered and A1, A2 and A6 were also arrested and released on bail and even though the occurrence is said to have been taken place on 28.07.2014, the petitioner was not arrested and neither he interfered with the investigation nor absconded from the jurisdiction, I am of the view that it is a fit case to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on anticipatory bail, in the event of his arrest or on his appearance before the learned Judicial Magistrate, Padmanabhapuram, on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the learned Judicial Magistrate concerned daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
29/10/2014

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, PADMANABHAPURAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
KULASEKARAM POLICE STATION CITY, KANYAKUMARI DISTRICT.

+1. CC to M/S.K.SEEMARAJ Advocate SR.No. 58034.

TS/ 30.10.2014/2P-6C

ORDER
IN
CRL OP(MD) No.19505 of 2014
Date :29/10/2014