



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

Friday, the Twenty Sixth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11775 of 2015

1 RAMAR
2 RAJAPANDI
3 ABDUL MAJITH

... PETITIONER / ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION, THENI DT,
CRIME NO.283/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BHARATHI Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(crl.side)

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

ORDER : The Court Made the following order :-

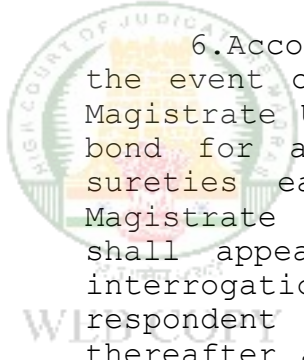
The petitioners, who are arrayed as A1, A2 and A4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 294(b), 353 and 432 of IPC, in Crime No.283 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant viz., the Commissioner of Cumbum Municipality, the Municipality has decided to form a drainage and also allotted a fund of Rs.5,00,000/-. However, the accused have claimed right over the property and on 12.06.2015, they engaged a surveyor and marked, claiming right over the property, which was already earmarked for the construction of drainage.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the 2nd petitioner has already instituted a suit in O.S.No143 of 2015 on the file of the District Munsif Court, Uthamapalayam against the Municipality for permanent injunction. It is further submitted that even according to the de-facto complainant, there is no damage caused to the municipality by the petitioners and in this case, A3 was arrested and released on bail.

4.Heard the learned Government Advocate (Criminal side) appearing for the respondent and perused the records.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Uthamapalayam, Theni District and on each of them 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 first petitioner shall appear before the respondent police as and when required for interrogation and the petitioners 2 and 3 shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-
26/06/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE, THENI

3. THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION, THENI DISTRICT.

+1. CC to M/S.S. BHARATHI Advocate SR.No.34178

ORDER

IN

CRL OP(MD) No.11775 of 2015

Date : 26/06/2015

rg.29.06.2015 2p/6c.