



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

Tuesday, the Twenty First day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.13552 of 2015

1 MOHAMED ISMAIL
2 MASOOD
3 PEER @ PEER MOHAMED

..PETITIONERS/ACCUSED

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
TENKASI POLICE STATION,
TIRUNELVELI DISTRICT,
IN CRIME NO.314 OF 2015

.. RESPONDENT/ COMPLAINANT

For Petitioners : M/S.J.C.RATHINAVEL PANDIAN Advocate
For Respondent : MR.K.V.RAJARAJAN,
Govt. 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 to A3 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 457, 380 of IPC and section 4 of TNPPDL Act, in Crime No.314 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, on 04.07.2015 at 10.00 p.m. the accused trespassed into his shop and taken away cell phones, laptop and accessories, etc. worth about Rs.2,30,000/-and also damaged the property of the de-facto complainant.

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. The learned counsel further submitted that the petitioners are owners of the property situated at Keela Avanimoola Veedhi in Tenkasi Town and the de-facto complainant is a tenant under the petitioners. It is further submitted that without permission of the landlord, the de-facto complainant has attempted to carry out repairs in the building and also caused damage to the wall and when this was questioned, the de-facto complainant has filed a suit in O.S.No.298 of 2015 on the file of the Principal District Munsif, Tenkasi for permanent injunction. It is further submitted that the petitioners father Jinna @ Diwan Packir Mydeen died on 07.02.2012, but the de-facto complainant has made averments in the affidavit filed in support of the injunction application stating that on 10.10.2012, he paid Rs.1,50,000/- to their father, Jinna @ Diwan Packir Mydeen on 07.02.2012. It is further submitted that the entire allegations made in the affidavit are false and the complaint is a motivated one.



4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the accused trespassed into the shop of the de-facto complainant and taken away the articles worth about Rs.2,30,000/-.

5.Considering the 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, Tenkasi and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police 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/-
21/07/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

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

4 THE INSPECTOR OF POLICE
TENKASI POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S.J.C.RATHINAVEL PANDIAN Advocate SR.No.40229

Akm/23.07.15 /2p-6c/

ORDER
IN
CRL OP(MD) No.13552 of 2015
Date :21/07/2015