



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

Tuesday, the First day of September Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16580 of 2015

V. MUTHUKRISHNAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
LAW AND ORDER,
C-3, S.S. COLONY POLICE
STATION,
MADURAI.
IN CRIME NO. 680/2015

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.NATESH RAAJA Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

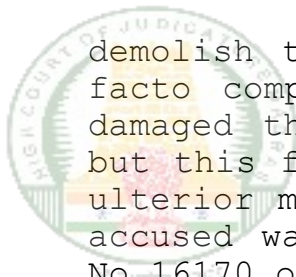
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 294-B, 447 and 506(i) of IPC and section 3 of TNPPDL Act, in Crime No.680 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant, he owns land and building in S.No.226/4C and he is having his office and the accused are running a Hotel violating the law and therefore, he filed a writ petition in W.P.(MD)No.9182 of 2015 and when the writ petition is pending for consideration, on 24.07.2015 at 10.30 a.m., the accused have damaged his four wheeler bearing Registration NO.TN-58-AF-1469, demanding withdrawal of writ petition and also threatened him with dire consequences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the de-facto complainant started construction of his building, opposite the business place of the petitioner, without proper building approval and therefore, the petitioner has instituted a suit in O.S.No.783 of 2014 before the Principal District Munsif Court, Madurai and the learned Judge has also ordered *status quo*. When the *status quo* order was in force, the de-facto complainant has completed the construction and therefore, the petitioner has filed two applications one for appointment of Advocate Commissioner and another one for mandatory injunction to



demolish the building and at that juncture, on 24.07.2015 the de-facto complainant trespassed into the shop of the petitioner and damaged the marbles and granite stones worth about Rs.3,50,000/-, but this false complaint was registered against the accused with an ulterior motive. The learned counsel further submitted that the co-accused was already enlarged on bail by this court in Crl.O.P(MD) No.16170 of 2015, dated 21.08.2015.

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4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the accused have damaged the wind screen of the car of the de-facto complainant worth about Rs.15,000/-.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused was enlarged on anticipatory bail, 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 on his appearance before the learned Judicial Magistrate No.V, Madurai and 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 respondent police daily at 10.00 a.m for a period of one week and thereafter as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.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/-
01/09/2015

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.V,MADURAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,MADURAI.
- 3.THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4.THE SUB INSPECTOR OF POLICE(LAW AND ORDER),
C-3, S.S. COLONY POLICE STATION,MADURAI.
- +1. CC to M/S S.NATESH RAAJA Advocate SR.No.50779

ORDER
IN
CRL OP(MD) No.16580 of 2015
Date :01/09/2015