



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Eighth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP (MD) No.17372 of 2015

1 J. SEKAR
2 J. IMMANUEL
3 J. VIJAYAKUMAR

..PETITIONERS/ACCUSED 1 to 3

A.MANIRAJ

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
CENTRAL POLICE STATION,
THOOTHUKUDI.
CRIME NO. 348 OF 2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S P.LATHA Advocate
For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)
For Intervenor : Mr.A.S.VAIGUNTH, Advocate

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 448, 452 and 427 of IPC, in Crime No.348 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

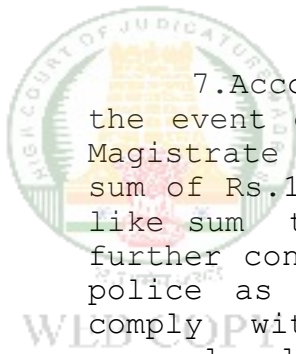
2.According to the de-facto complainant, the accused trespassed into his shop and damaged the building.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. It is further submitted that the petitioners are tenants and the de-facto complainant has purchased the property from one Leelavathi and subsequently, he had attempted to evict the petitioners/tenants by force and also damaged the property of the accused, for which a case stands registered against the de-facto complainant and others in Crime No.349 of 2015 under sections 448, 452 and 427 of IPC.

4.Mr.A.S.Vaigunth, learned counsel appearing for the intervenor vehemently opposed granting of anticipatory bail to the petitioners, by producing the photographs that the accused have damaged the property of the de-facto complainant.

5.Heard the learned Government Advocate (Criminal side) appearing for the respondent.

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



7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Thoothukudi 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 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.

8. 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/-

08/09/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

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

4 THE INSPECTOR OF POLICE, CENTRAL POLICE STATION, THOOTHUKUDI.

+1. CC to M/S P.LATHA Advocate SR.No.52862

ORDER IN

CRL OP(MD) No.17372 of 2015

Date : 08/09/2015

PBK/AAL-MPA/SAR-II 10/09/2015 :: 2P-6C::