



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

Friday, the Ninth day of October Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.17701 of 2015

RASID KHAN

.. PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY THE INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION,
TRICHY DISTRICT.
IN CR.NO. 397/2015

... RESPONDENT/COMPLAINANT

K.SIVAPRAKASH

... INTERVENER

For Petitioner : M/S M.PITCHAIMUTHU Advocate

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

For Intervener : Mr.K.Sivabalan Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is the sole accused, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 436 of I.P.C., in Crime No.397 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

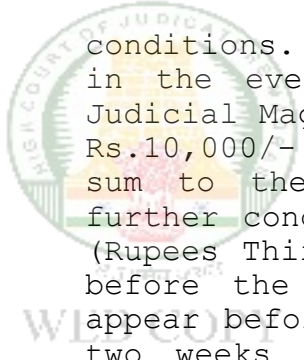
2. The case of the prosecution is that the accused has set fire to two wheelers belonging to the de-facto complainant and caused damage worth Rs.70,000/-.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case, due to landlord tenant dispute between the parties. It is further submitted that without prejudice to his right in the criminal case, the petitioner is ready to deposit Rs.35,000/- and the learned counsel for the petitioner has also filed an affidavit of the petitioner dated 09.10.2015.

4. The learned counsel for the intervenor submitted that the de-facto complainant is a tenant and on 29.08.2015, the accused has set fire to his two wheelers and therefore, he is not entitled for anticipatory bail.

5. Heard the learned Government Advocate (Crl.side).

<https://hcservices.courts.gov.in/hcservices> Considering the submission of the learned counsel for the petitioner and the undertaking affidavit dated 09.10.2015, this Court is inclined to grant anticipatory bail to the petitioner with certain



conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.V, Trichy 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 deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) to the credit of Crime No.397 of 2015 before the Judicial Magistrate No.V, Trichy and the petitioner shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required. 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/-
09/10/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V TRICHY
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY
3. THE INSPECTOR OF POLICE, SOMARASAMPETTAI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17701 of 2015
Date :09/10/2015

GJM/SKS/RR-SARII-14.10.15-2P-5C