



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

Tuesday, the Seventeenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3570 of 2015

OOTHADIYAN

... PETITIONER/ ACCUSED No.1

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION, MADURAI DISTRICT.
CR.NO.30/2105.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.L.MADHUSUDHANAN Advocate

For Respondent : M/S.A.P.BALASUBRAMANI Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 448, 379 NP and 506(i) IPC, in Crime No.30 of 2015, on the file of the respondent police, seeks anticipatory bail.

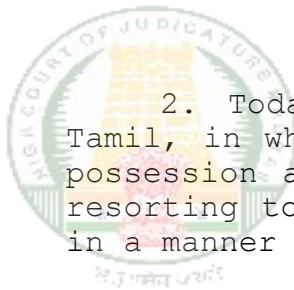
2. On 04.03.2015, this Court passed the following order:-

"2. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent.

3. This case has been registered pursuant to the direction given by this Court in Crl.O.P.(MD)NO.575 of 2015 on 06.02.2015. On a reading of the F.I.R., it is seen that the property in question belongs to one Samuel Soundaram and that this petitioner had entered into a sale agreement with Samuel Soundaram on 22.02.2013. Even in the sale agreement, it is very clearly stated that the disputed property is in possession of Samuel Soundaram and not in possession of the petitioner. The defacto complainant in this case is one Vedamuthu, who is the servant of Samuel Soundaram and was appointed as watchman to take care of the disputed property. It is represented by Vedamuthu that this petitioner made an attempt forcibly to take possession of the property by taking away the keys of the property from Vedamuthu. There has been exchange of legal notice between Samuel Soundaram and this petitioner with regard to the sale agreement dated 22.03.2013.

4. Be that as it may, the petitioner is directed to file an undertaking affidavit preferably in Tamil, without prejudice to the allegations he has made against the de facto complainant by his complaint dated 13.02.2015 given to the Superintendent of Police, Madurai, by stating that the disputed property is not in his possession and in possession of Samuel Soundaram and he will not do anything in high-handed and illegal manner and will take by legal process.

5. Call on 05.03.2015."



2. Today, the petitioner has filed an affidavit of undertaking in Tamil, in which it is stated that he will not interfere with the peaceful possession and enjoyment of the property of the *de facto* complainant, by resorting to any illegal methods and that he will settle all the disputes in a manner known to law.

3. In view of the undertaking given by the petitioner that he will not disturb the possession of the *de facto* complainant - Samuel Soundaram, this Court is of the view that this is a fit case to grant Anticipatory Bail to the petitioner. The petitioner is at liberty to work out his remedies in respect of the complaint, dated 13.02.2015, given by him, in accordance with law.

4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.VI, Madurai on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 06:30 in the evening for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

sd/-
17/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NO.VI, MADURAI.
2 Do - Through THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
4 THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION, MADURAI DISTRICT.
+1. CC to M/S.L.MADHUSUDHANAN Advocate SR.No.12493.
TS/18.03.2015/2P-6C

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER IN
CRL OP(MD) No.3570 of 2015
Date :17/03/2015