



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.4444 of 2015

I.SURESH

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY THE SUB INSPECTOR OF POLICE
BODINAYAKANUR TALUK POLICE STATION,
BODINAYAKANUR,
THENI DISTRICT.
(CR.NO. 104 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.GANESH KUMAR Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

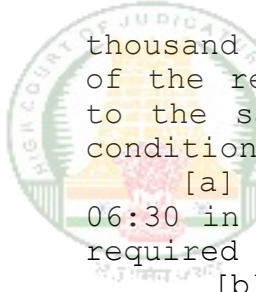
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 447, 147 and 506(ii) IPC, in Crime No.104 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] appearing for the respondent. The respondent police is present.

3. A status report, signed by Mr.A.Philip F.Kennedy, the Inspector of Police, Bodi Taluk Police Station, Theni District, has been filed. It is seen that the present case has been registered, pursuant to the direction issued by this Court in Crl.OP[MD].No.2250 of 2015, on 13.02.2015. The Inspector of Police, Bodi Taluk Police Station, Theni District, has vividly described the facts and circumstances of the case, pertaining to this case and this Court places on record its appreciation to the manner in which Mr.A.Philip F.Kennedy, Inspector of Police, Bodi Taluk Police Station, Theni District, has narrated the facts.

4. On a reading of the status report, it is seen that the dispute essentially appears to be civil in nature. The petitioner is an agent of A.S.Farms Limited, which had entered into an agreement with the *de facto* complainant in respect of lands. It is alleged by the *de facto* complainant that the petitioner was attempting to make improvements in the lands and at that time, the petitioner threatened the *de facto* complainant. On a conspectus of the facts and circumstances of the case, I am of the opinion that this is a fit case to grant Anticipatory Bail to the petitioner.

5. 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 receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Bodinayakanur, 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, BODINAYAKANUR, THENI DISTRICT.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, THENI.

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

4 THE SUB INSPECTOR OF POLICE, BODINAYAKANUR TALUK POLICE STATION,
BODINAYAKANUR, THENI DISTRICT.

+1. CC to M/S.C.GANESH KUMAR Advocate SR.No.12713

ORDER IN

CRL OP(MD) No.4444 of 2015

Date :17/03/2015

PBK 18/03/2015 ::2P-6C: