



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

Wednesday, the Eleventh day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4497 of 2015

1 KAREEMKANI

2 JEBARULLAH KANI

3 JEYARAJ

... PETITIONERS/ACCUSED 1 TO 3

Vs

STATE REP BY THE INSPECTOR OF POLICE

CHINNAMANOOR POLICE STATION,

THENI DISTRICT.

CR. NO. 120 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SENGUTTARASAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

For Intervenor : MR.P.KARUPPASAMY PANDIAN Advocate

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

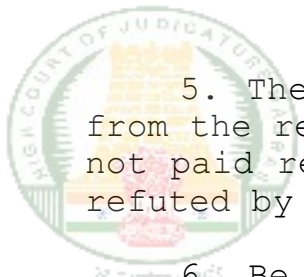
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 448,427 and 379 (NP) IPC in Crime No.120 of 2015, seek anticipatory bail.

2. Heard the learned counsel for the petitioner, intervenor and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. The case of the prosecution is that the de facto complainant was a tenant under the first petitioner in respect of a shop portion. According to the de facto complainant, on 21.02.2015, these petitioners trespassed into the shop and caused damage to the shop and had taken away the account books and some materials belongs to de facto complainant.

4. The learned counsel for the petitioners submitted that the de facto complainant was a tenant under the first petitioner and after negotiation the de facto complainant vacated the premises and only thereafter, the petitioners demolished the premises for renovation.



5. The learned Government Advocate (Crl. Side) on instructions from the respondent police submits that the de facto complainant had not paid rent to the petitioners for the last seven years, which is refuted by the learned counsel for the de facto complainant.

6. Be that as it may, it is seen that the incident has taken place on 21.02.2015 and the complaint was given on 03.03.2015.

7. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners shall appear before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

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

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-

11/03/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI
- 3 THE INSPECTOR OF POLICE, CHINNAMANOOR POLICE STATION,
THENI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SENGUTTUARASAN Advocate SR.No.11662

ORDER

IN

CRL OP(MD) No.4497 of 2015

Date :11/03/2015