



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5398 of 2015

S.JEYAKODI

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, TUTICORIN.

CRIME NO.13 OF 2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.SUBBIAH Advocate

For Respondent : Mr.P.KANDASAMY, Government Advocate (Criminal Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.13 of 2015, on the file of the respondent police for offence under Sections 427, 447 and 506(ii) IPC, the petitioner is now before this Court seeking Anticipatory Bail.

2. It is the case of the defacto complainant that the property in question belongs to his brother-in-law and on his death, the defacto complainant came in possession of the property and found that the petitioner and another person has built houses in the property allegedly belonging to the brother-in-law of the defacto complainant.

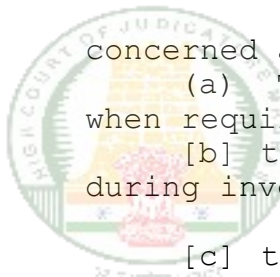
3. On a reading of the complaint, it appears that the defacto complainant is claiming title through his brother-in-law, but whereas the petitioner's husband had purchased property in the year 1999 and the petitioner had constructed a house in the year 2000 itself.

4. The learned Government Advocate (crl. side) would that the land was measured by the revenue authorities and it was found during the measurement that the petitioner has encroached two cents of land belonging to the defacto complainant.

5. It is seen that the petitioner's husband had built a house and they are living in the place for over fifteen years. Though the assertion of the defacto complainant that the petitioner has encroached two cents of land may be true, yet it is not a case, which requires custodial interrogation of the petitioner.

6. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner, but with conditions.

7. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Tuticorin on executing a separate 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 as and when required.

[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].

sd/-
24/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, TUTICORIN.

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

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

4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, TUTICORIN.

+1. CC to M/S.P.SUBBIAH Advocate SR.No.14768

ORDER IN

CRL OP(MD) No.5398 of 2015

Date :24/03/2015

PBK 26/03/2015 ::2P-6C: