



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

Tuesday, the Fourth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.13410 of 2015

G. AYYADURAI

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
SOOLAKARAI POLICE STATION, VIRUDHUNAGAR
COLLECTORATE COMPOUND, VIRUDHUNAGAR DT,
CRIME NO.NOT KNOWN OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)

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

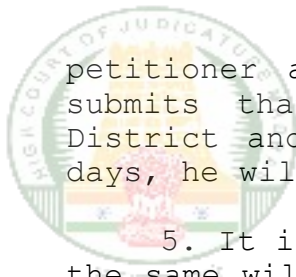
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 in Crime No.219 of 2015 on the file of the respondent police, was arrested for the offences under Sections 294(b), 506 (i) IPC r/w Section 4 of TNPHW Act.

2. According to the de-facto complainant, namely R.Muthuvel, one Subramani Iyer, who is his father's friend purchased the land to an extent of 17 cents from his father and after demise of the father of the de-facto complainant, the purchaser Subramani Aiyer, left to Kerala. Since the de-facto complainant has possession and enjoyment of the property. While so, the accused trespassed into the property and also laid the boundary stones. When it was questioned by the de-facto complainant, the accused threatened him with dire consequences and also abused his wife and daughter in filthy language.

3. The petitioner has filed this Criminal Original Petition on 14.07.2015 and when it came before hearing on 16.07.2015, the learned Government Advocate (Criminal side) submitted that the petition enquiry was pending. Based on the submissions of the learned Government Advocate (Criminal side) this Court directed the Investigating Officer, to conduct an enquiry within a period of two weeks either to register a case or drop further action and also directed the respondent not to arrest the petitioner and posted for compliance on 31.07.2015.

4. The learned Counsel appearing for the petitioner submits that when the application was listed for hearing on 03.08.2015, the case was not reached and today i.e on 04.08.2015 at morning 06.00 a.m when the application is pending before this Court, the respondent arrested the



petitioner and also remanded him to the Judicial custody. He further submits that the petitioner is working as Thalayari in Virudhunagar District and once he is remanded to Judicial custody for more than two days, he will lose his employment.

5. It is settled law that when once an order is granted by this Court, the same will be in force until it is specifically vacated. In this case, this Court has directed the respondent not to arrest the petitioner and when the original application is listed for hearing, the respondent need not have arrested the petitioner without permission of this Court for the offences alleged.

6. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent.

7. Considering the fact that the accused was arrested when the petition for anticipatory bail is pending and the interim order granted by this court, this Court treated this petition as bail petition and inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is directed to be released on bail, on his executing a personal 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 Judicial Magistrate No.II, Virudhunagar, and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.II, Virudhunagar daily at 10.00 a.m. for a period of two weeks and thereafter as and when required.

sd/-
04/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.II, VIRUDHUNAGAR.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
SOOLAKARAI POLICE STATION, VIRUDHUNAGAR
COLLECTORATE COMPOUND, VIRUDHUNAGAR DISTRICT.
5. THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR DISTRICT.
- +2. CC to M/S.M.SUBASH BABU Advocate SR.No.43873.

TS/04.08.2015/2P - 8C

ORDER
IN
CRL OP(MD) No.13410 of 2015
Date :04/08/2015