



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10091 of 2016

PALANIVELRAJAN

... PETITIONER / ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
AMBADURAI POLICE STATION
AMBADURAI
DINDIGUL DISTRICT

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S J.LAWRANCE Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

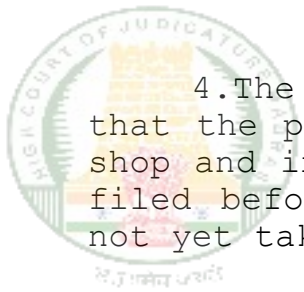
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 427, 387 and 506(i) IPC, in Crime No.103 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioner along with three others trespassed into the shop of the de facto complainant with deadly weapon and damaged the show case and illegally taken the Omni Van belonging to the de facto complainant and when questioning the same, the petitioner threatened him with dire consequences. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner and the de facto complainant are partners of Bakery shop and due to money dispute between them, a civil suit is also filed before the Principal District Munsif Court, Dindigul and the same is pending.



4.The learned Government Advocate (Criminal side) submitted that the petitioner and the de facto complainant are partners of a shop and investigation has been completed and charge sheet has been filed before the learned Judicial Magistrate No.III, Dindigul and not yet taken on file.

5.Considering the facts and circumstances of the case and also considering the fact that civil suit is pending before the civil forum, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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.III, Dindigul, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
13/07/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

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

4 THE INSPECTOR OF POLICE, AMBADURAI POLICE STATION,
AMBADURAI, DINDIGUL DISTRICT.

+1. CC to M/S J.LAWRANCE Advocate SR.No.36215

SMN

JM/NGM-MP/SAR-I/15.07.2016/3P-6C

ORDER

IN

CRL OP(MD) No.10091 of 2016

Date :13/07/2016