



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

Monday, the Twenty Seventh day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10324 of 2016

1 CHANDRASEKARAN
2 MANIVEL
3 SIVASUBRAMANIAN

..PETITIONERS/ACCUSED 1 to 3

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION,
KATTUPUTHUR,
TRICHY DISTRICT.
(CRIME NO. 135 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S A.JOEL PAUL ANTONY Advocate

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

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

ORDER : The Court Made the following order :-

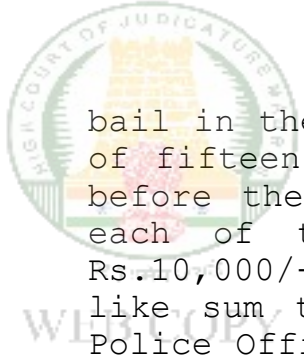
The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(ii) and 379 (NP) of IPC, in Crime No.135 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 01.11.2015 the petitioners trespassed into the defacto complainant's land and abused the defacto complainant in filthy language and threatened him and attacked him and cut the Seemakaruvela Trees. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. The petitioners and the defacto complainant are brothers and due to previous enmity between them, false case has been given against the petitioners. The petitioners already given a complaint against the defacto complainant, which was registered in Cr.No.136 of 2016. The petitioners also filed O.S.No.451 of 2004, before the District Munsif, Musiri and the same is pending.

4.Heard the learned Government Advocate (Crl.Side).

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners and defacto complainant are brothers and the civil suit is pending between them, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Musiri, on condition that each of the petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 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]**.

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 petitioners are complying with the conditions or not.

sd/-
27/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUSIRI, TRICHY DISTRICT.
- 2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, KATTUPUTHUR POLICE STATION, KATTUPUTHUR, TRICHY DISTRICT.

+1. CC to M/S A.JOEL PAUL ANTONY Advocate SR.No.33249

ORDER IN

CRL OP(MD) No.10324 of 2016

Date :27/06/2016