



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

Wednesday, the Twenty Ninth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10672 of 2016

1 FRANKLIN DESAI
2 KANNADASAN

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
CR.NO.228 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.JEGADEESH PANDIAN, for
M/S G.KARUPPASAMY PANDIYAN, 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, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(ii), 379(NH) I.P.C. and Section 3 of TNPPDL Act, in Crime No.228 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

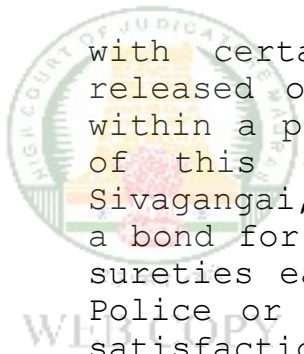
2.The case of the prosecution is that the petitioners have taken away the gravel sand from the land of the de facto complainant and when the same was questioned by the de facto complainant, the petitioners abused him in filthy language and threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case and both the petitioners and de facto complainant are relatives and due to the dispute with regard to property, a false complaint has been given and prays for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Crl.Side) that investigation is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case, 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 No.2, Sivagangai, 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 06.00 p.m. until further orders.
- (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/-
29/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
 3. THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S G.KARUPPASAMY PANDIYAN Advocate SR.No. 34127