



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11601 of 2016

K.PANCHAPAKESAN

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REPRESENTED BY

THE INSPECTOR OF POLICE,

NAVALPATTU POLICE STATION, TRICHY DISTRICT.

(CRIME NO.94 OF 2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S J.PANDIDORAI Advocate

For Respondent : M/S.P.KANNITHEVAN,

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 accused, apprehends arrest at the hands of the respondent police for the offence punishable under Section 427 IPC @ Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, in Crime No.94 of 2014, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de facto complainant are having civil dispute. On 18.05.2013, one Thangaraj, Son of Marimuthu, who is a JCB driver had trespassed into the land of the de facto complainant along with revenue officials i.e., Head Surveyor and destroyed his compound wall. 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. More than 30 suits are pending between the petitioner and de facto complainant with regard to the some properties. The de facto complainant is doing real estate business and he has constructed the compound wall by using his muscle power trespassing into the land of the petitioner's wife. On complaint given by the petitioner, the Revenue Divisional Officer enquired into the matter on 17.04.2013 and passed final order. As per the order passed by the Revenue Divisional Officer, the Revenue Officials demolished the compound wall. The Revenue Divisional Officer also directed to survey the land and directed to take action against the erring official.

4. Heard the learned Government Advocate (Criminal side).

5. Considering the facts and circumstances of the case and also considering the fact that the alleged occurrence took place on 18.05.2013 and the Revenue Divisional Officer passed order with regard to the dispute between the petitioner and de facto complainant and number of civil suits are pending, 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, Trichy 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. for a period of two weeks and thereafter as and when required for interrogation.
- (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/-

14/07/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, TRICHY
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT
 3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 4. THE INSPECTOR OF POLICE,
NAVALPATTU POLICE STATION, TRICHY DISTRICT.
- RL/5C/2P/GSV/PM/SARI/19/7/2016

ORDER

IN

CRL OP(MD) No.11601 of 2016

Date : 14/07/2016