



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13691 of 2016

1 RAJESH @ RAJESWARAN

2 SENTHAMARAI @ SENTHAMARAI UDAIYAPPA

3 MANIMUTHU

... PETITIONERS/ACCUSED 1 TO 3

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

MATHAKUPATTI POLICE STATION,

SIVAGANGAI DISTRICT

CR. NO. 149 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.TAMIL MANI Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

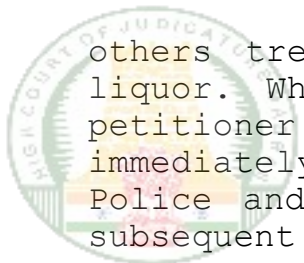
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 506(ii) of IPC and Section 3 of TNPPDL Act in Crime No.149 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused trespassed in to the property in S.No.72/2 situated in Mathagupatti Village, Sivagangai Taluk, Sivagangai District and abused the defacto complainant in filthy language and damaged the shed situated in the above said property. On complaint, a 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 and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the property in question purchased by one Sudharsana, sister's daughter of first petitioner from one Rajkumar in the year 2015. After purchase, the said Sudharsana was in possession and enjoyment of the property. The said Sudharsana is living in Madurai. Since Sudharsana is living in Madurai, the first petitioner is looking after the property. On 02.06.2016, at about 11.00 am when the first petitioner visited the property, the defacto complainant and 5



others trespassed into the property and they were consuming the liquor. When the same was questioned, they threatened the first petitioner and lodged a false complaint. The first petitioner immediately on 02.06.2016 lodged a complaint with the respondent Police and the respondent police issued a receipt on 18.06.2016, subsequent to that the defacto complainant on 13.06.2016 lodged a present complaint against the petitioners.

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4. The learned Government Advocate (Criminal side) submitted that the investigation of the case is pending.

5. Considering the nature of allegations and the contention of the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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.I, Sivagangai, Sivagangai District, 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 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 appear before the respondent Police daily at 10.00 am 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 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 petitioners are complying with the conditions or not.

sd/-
03/08/2016

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

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

4 THE INSPECTOR OF POLICE,
MATHAKUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

+1. CC to M/S.N.TAMIL MANI Advocate SR.No.41691.

ORDER

IN

CRL OP(MD) No.13691 of 2016

Date :03/08/2016

AM/AAL.MPA/SAR-III/04.08.2016/3P/6C