



WEB COPY

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

Monday, the Eighth day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.14079 of 2016

MAHENDRAN

... PETITIONER/3RD ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
DINDIGUL DISTRICT.

(CRIME NO.214 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S D.VENKATESH, Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.M.NAGALAKSHMI, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.3, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections **(*)147, 447, 294(b), 506(ii) of IPC and Section 3 of TNPPDL Act**, in Crime No.214 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 24.07.2016, due to civil dispute, the petitioner along with other accused persons formed an unlawful assembly, trespassed into the garden of the de facto complainant and damaged a small hut and when the same was questioned by the de facto complainant, they abused him in filthy language and threatened him with dire consequences. On complaint, a case has been registered for the above said offences.

3.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

4.It is submitted by the learned Government Advocate (Crl.Side) that the petitioner and other accused persons caused damage to the hut belonging to the de facto complainant to the tune of Rs.9,000/- and the injured person had already been discharged from the hospital.

5.M/s.M.Nagalakshmi, learned counsel for the intervenor/de facto complainant submitted that due to civil dispute, the petitioner along with other accused persons formed an unlawful assembly, trespassed into the garden of the de facto complainant and damaged a hut and when the same was questioned by the de facto complainant, they abused him in filthy language and threatened him with dire consequences and prayed for dismissal of the petition.

<https://hcservices.ecourts.gov.in/hcservices/> 6.The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.5,000/- to the credit of Crime No.214 of 2016 before the learned Judicial Magistrate, Palani.



7. Considering the facts and circumstances of the case and also considering the fact that the injured person had already been discharged from the hospital, 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, Palani, on condition that the petitioner shall deposit a sum of Rs.5,000/- to the credit of Crime No.214 of 2016 before the learned Judicial Magistrate, Palani and he 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 weekly twice i.e., on every Sunday and Saturday 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]**.

8. 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/-

08/08/2016

(*) Amended as per order of this Hon'ble Court

made in CrI.MP(MD)No.7582/16 in CrI.OP(MD)No.14079/2016

dated 29.08.2016 by VMVJ.

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

To be substituted the order copy already despatched on 09.08.2016

- 1 THE JUDICIAL MAGISTRATE, PALANI, DINDIGUL DISTRICT.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE, KEERANUR POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/S D.VENKATESH Advocate SR.No.48297

ORDER IN CRL OP(MD) No.14079 of 2016

Date : 08/08/2016

PA/NGM-MP/SAR I/09.08.2016/2P/7C

PA/SK-SKN/SAR I/02.09.2016/2P/6C