



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

Thursday, the Eleventh day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14536 of 2016

1 RAGU
2 MUTHUKUMAR

... PETITIONERS/ACCUSED Nos.4&6

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
CR.NO.313 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.D.VENKATESH, ADVOCATE
FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

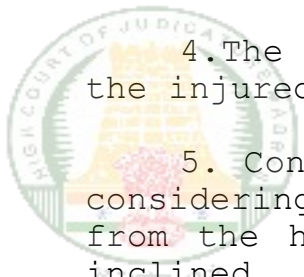
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused Nos.1 to 3 and 5, who were arrested and remanded to judicial custody on 15.07.2016 for the alleged offences punishable under Sections 147, 294(b), 353 and 506 (i) IPC read with Section 3(1) of TNPPDL Act, in Crime No.313 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on receiving information, the defacto complainant went to Manthaikulam situated in Balasamuthiram, Palani Main Road. He found that the petitioners and other accused persons encroached the bund of the pond and trying to put up hut on the bund of Manthaikulam. When the defacto complainant questioned them, they attacked and threatened him with dire consequences and prevented him from doing his official duty.

3.The learned counsel for the petitioners submitted that the private party colluded with the defacto complainant encroached the Government land and obtained patta. Hence, the fourth accused has given a complaint against the defacto complainant and the private party, who got patta. Based on the complaint, after enquiry, patta was cancelled. Due to previous enmity, he has given a false complaint against the petitioners. He further submitted that co-accused have released on bail by this Court in Crl.O.P(MD).No.13271 of 2016, dated 29.07.2016 and prays for granting anticipatory bail in favour of the petitioners.



4.The learned Government Advocate (Crl. side) submitted that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital and the co-accused have released on bail, I am inclined to grant anticipatory bail to the petitioners. 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, Palani and 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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 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 condition or not.

sd/-
11/08/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, PALANI.

2. THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3. THE INSPECTOR OF POLICE,
PALANI TALUK POLCE STATION,
DINDIGUL DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO M/S.D.VENKATESH, ADVOCATE IN SR No. 44410

ORDER

IN

CRL OP(MD) No.14536 of 2016

Date :11/08/2016

TRP

TE/PV-MPA/SAR-III : 17/08/2016 : 3P/6C