



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16358 of 2016

1 DEVA
2 PANDI @ DISAIKARA PANDIAN
3 EZHUVAN @ SELVAM ... PETITIONERS/ ACCUSED 1 TO 3

Vs

THE STATE BY,
THE INSPECTOR OF POLICE
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 119 OF 2016) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

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

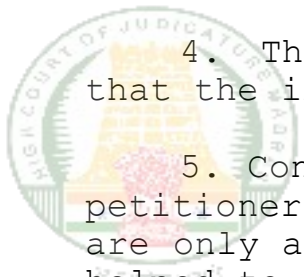
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 188,143 and 447 of IPC in Crime No.119 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the properties in in S.Nos.253, 254 and 258 situated at Rajiv Gandhi Nagar, No.13, Kalanivasal Group are Government lands and the said lands are encroached by 65 unidentified persons and they were put up sheds by using hallo block bricks. The petitioners who are the adjacent lands owners of the said waste lands helped to the encroachers to encroach the Government Property. On complaint, a case has been registered for the above said offences.

3. The learned counsel for the petitioners submitted 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 as per the version of the defacto complainant the petitioners are not an
<https://hcservices.court.gov.in/hcservices/> prays for granting anticipatory bail in favour of the petitioners.



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

5. Considering the contention of the learned counsel for the petitioners that they have not encroached the property and they are only adjacent land owners of the Government property and they helped to the encroachers to encroach the property, this Court is 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, Karaikudi 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 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 condition or not.

sd/-
01/09/2016

/ TRUE COPY /

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

TRP
TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI
<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT



3 THE INSPECTOR OF POLICE, KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.49415

GJM/SS2/SAR-I-2.9.16-2P-6C

ORDER

IN

CRL OP (MD) No.16358 of 2016

Date : 01/09/2016