



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

Friday, the Twenty First day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18348 of 2016

RENGANATHAN

... PETITIONER/ACCUSED No.13

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI.
CR. NO. 20 OF 2015

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.S.PUGALENDHI, ADVOCATE
FOR RESPONDENT : Mr.RAJARATHINAM, PUBLIC PROSECUTOR

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

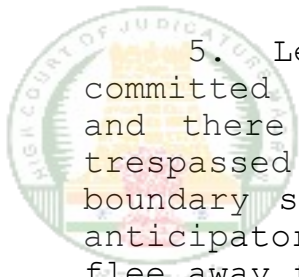
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 447, 201, 379, 434, 420, 430 IPC, 3(1) of TNPPDL Act 1992 and 6, 3(a) and 4(A) of Explosive Substances Act and Sections 4(i)(A), and 21 and 23 of MMDR Act, 1957 in Crime No.20 of 2015 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner along with other accused is said to have encroached upon an Odai Poromboke and indulged in illicit quarrying of granites, which resulted in registration of the case.

4. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that co-accused were already granted anticipatory bail by this Court in Crl.O.P.(MD) No.2578 of 2015 on 09.03.2015.



5. Learned Public Prosecutor submitted that the petitioner has committed offence along with other accused by doing blasting work and there are sufficient materials to show that the petitioner trespassed into the Government land and caused damage to the boundary stones with machineries. He would further submit that if anticipatory bail is granted to the petitioner, he will certainly flee away from justice.

WEB COPY

6. Considering the facts and circumstances of the case and also taking note of the fact that the case is of the year 2015 and that co-accused were already granted anticipatory bail by this Court, this Court is of the view that custodial interrogation of the petitioner is not necessary. **Therefore, this Court is inclined to grant anticipatory bail to the petitioner.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.I, Madurai, subject to the following conditions:**

(i) **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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) **the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;**

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial.

(v) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
21/10/2016

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18348 of 2016
Date :21/10/2016

AR
TE/SKS-RR/SAR-I : 07/11/2016 : 2P/5C