



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

Wednesday, the Nineteenth day of October Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20010 of 2016

WEB COPY

1 P.SETHURAMAN

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.120 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.GURURAJ Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt.Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 427 and 506(ii) of I.P.C., and Section 3 of TNPPDL Act in Crime No.120 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner entered into the premises of the de-facto complainant and caused damage to the fence of the de-facto complainant and threatened him with dire consequences.

3. The learned counsel for the petitioner submitted that the petitioner is working in Armed Force and a land has been allotted to him by the Government, that the de-facto complainant and others tried to encroach the same and when the petitioner came to visit his land, there was a wordy quarrel between the de-facto complainant and the petitioner with regard to encroachment of the land by the de-facto complaint. Hence, the complaint has been lodged by the de-facto complainant.

4. Heard the learned Government Advocate (Crl.side).

5. It is seen that the Government has allotted a land to the petitioner as a token of recognition of his service in the Army, serving at the Border. It is stated by the petitioner that the de-facto complainant attempted to grab his land. If it is so, such act has to be deprecated. To add fuel to fire, a case was also lodged against him.

6. Therefore, considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. 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 No.II, Srivilliputhur, Virudhunagar District on condition that 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10:30 a.m. until further orders.

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

[c] the petitioner 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 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]**.

sd/-

19/10/2016

/ TRUE COPY /

Sub-Assistant Registrar (AE)

TO

1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR, VIRUDHUNAGAR.

2 -DO THROUGH-
THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR.

3 THE INSPECTOR OF POLICE
MALLI POLICE STATION, VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.M.GURURAJ Advocate SR.No.62577

ORDER

IN

CRL OP(MD) No.20010 of 2016

Date :19/10/2016

ANR/SS3/SAR(AE)/08.11.2018/2P/6C