



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

Friday, the Fourth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20858 of 2016

VELUSAMY

... PETITIONER/ACCUSED NO.I

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION,
TRICHY,
TRICHY DISTRICT.
CRIME NO.624 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.GNANASEKAR Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

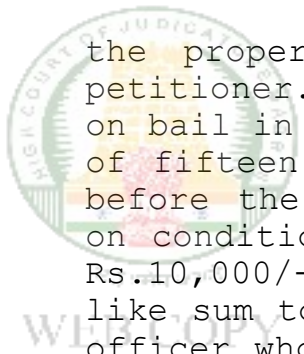
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 436, 147 and 506(i) of I.P.C., in Crime No.624 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. It is submitted by the learned counsel for the petitioner that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and prays for anticipatory bail in favour of the petitioner.

3. It is the case of the petitioner that the de-facto complainant has set fire to the building and foisted a false case against the petitioner as there is a civil dispute in O.S.No.1336 of 2015 is pending before the civil Court and there is an interim order in favour of the petitioner. It is the further case of the petitioner that he is the owner of the property.

4. The learned Government Advocate (Crl.side) also submitted that the petitioner had already obtained an interim order from the civil Court.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, the custodial interrogation of the petitioner may not be required at this stage as the petitioner have the benefit of interim order of the civil Court and that the petitioner is in possession of



the property, I am 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, Woraiyur, Trichy 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 10.00 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/-

04/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, WORAIYUR, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION, TRICHY, TRICHY DISTRICT.

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

+1. CC to M/S.M.GNANASEKAR Advocate SR.No.66088

AKV

CSL/PV/SAR-I/14.11.2016: 2P/6C

ORDER

IN

CRL OP (MD) No.20858 of 2016

Date :04/11/2016