



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

Thursday, the Tenth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3723 of 2016

1 SUBRAMANI

2 SURESH

... PETITIONERS/ACCUSED NO. 1 & 2

Vs

STATE REP BY THE INSPECTOR OF POLICE

B2 KEELAVALAVU POLICE STATION, MADURAI.

CR. NO.56/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.M.A. JINNAH Advocate

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

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

ORDER : The Court Made the following order :-

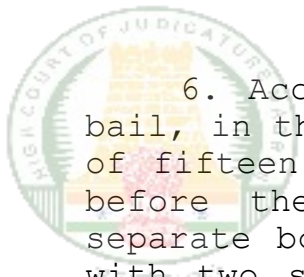
Apprehending arrest at the hands of the respondent police in Crime No.56 of 2016, on the file of the respondent police for offences under Section 379(NP) IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent.

3.It is seen that on the complaint given by the Assistant Engineer, Public Works Department, that 9 neem trees have been cut, a case has been registered against these petitioners under Section 379(NP) IPC and even in the complaint, it is stated that one Devendran had given information to the Village Administrative Officer that these petitioners were cut the trees.

4. The learned counsel for the petitioners submitted that there is a previous motive between Devendran and these petitioners with regard to election dispute and these petitioners are respectable persons in the village and a false case has been given against these petitioners.

5.Taking into consideration the nature of the allegation against these petitioners, this Court is of the view that it is a fit case for grant of anticipatory bail. Accordingly, anticipatory bail is granted, but with conditions.



6. 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, Melur, on executing a separate 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) each petitioner shall deposit a sum of Rs.10,000/- without prejudice to the defence in the criminal case with the de-facto complainant Assistant Engineer, PWD and on production of the receipt, the Magistrate is directed to accept the sureties;

(b) the petitioners shall report before the respondent Police as and when required for interrogation.

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

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

[e] 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]**.

sd/-

10/03/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, MELUR
2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
3 THE INSPECTOR OF POLICE
B2 KEELAVALAVU POLICE STATION, MADURAI.
4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.M.A. JINNAH Advocate SR.No.13692

ORDER

IN

CRL OP(MD) No.3723 of 2016

Date :10/03/2016

AA/SKS-RR/SAR-I/15.03.2016/2p-6c