



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

Monday, the Eighteenth day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.714 of 2016

1 CHINNA KUNCHU
2 VEERAKUMAR
3 SARATHKUMAR

... PETITIONERS/ACCUSED NOS.1 TO 3

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
NACHIYARKOVIL POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
(CRIME NO. 340 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S AN.RAMANATHAN Advocate
For Respondent : MR.K.ANBARASAN,
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 Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 379 of IPC r/w 3(1) of TNPPDL Act, in Crime No.340 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner along with 30 persons trespassed into the defacto complainant's land and taken 7 sovereigns of gold jewels and cash Rs.30,000/- and damaged the cement slabs worth about Rs.30,000/-. Therefore, the case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners filed a civil suit against the defacto complainant with regard to property in question. The said suit was decreed in their favour. The defacto complainant is neighbour and trying to grab the land inspite of the civil Court decree and given a false complaint against the petitioners. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) submitted that the first petitioner along with other 30 persons trespassed into the defacto complainant's land and taken 7 sovereigns of gold jewels and damaged the cement slabs worth Rs.30,000/- and the investigation is pending.



5.The learned counsel for the petitioners submitted that the petitioner will compensate the damaged articles and deposit a sum of Rs.3,000/- each to the credit of Crime Number.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall deposit a sum of Rs.5000/- (Rupees Five thousand only) each to the credit of Crime No.340 of 2015 before the learned Judicial Magistrate, Kumbakonam on receipt of the same the petitioners are entitled to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Kumbakonam and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
18/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE,
KUMBAKONAM.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
NACHIYARKOVIL POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.

+1. CC to M/S AN.RAMANATHAN Advocate SR.No.2842

akm/20.01.2016/ 2p- 6c/AAL/MPA/SAR-II

ORDER
IN
CRL OP(MD) No.714 of 2016
Date :18/01/2016