

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Fifth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN
CRIMINAL ORIGINAL PETITION No.8960 of 2017
& CRL MP.NO.6455 OF 2017

GNANAVEL

[PETITIONER / ACCUSED]

Vs

STATE THROUGH [RESPONDENT]
THE INSPECTOR OF POLICE,
T-10, THIRUMULLAIVOYAL POLICE STATION,
CHENNAI 600 062.
CR.NO.636/2017.

M.J.JOSEPH SIBI

[PETITIONER/DEFACTO COMPLAINANT]

(ORDERED AS PER ORDER OF THIS COURT DATED 05/05/2017 MADE IN CRL
MP.NO.6455 OF 2017 IN CRL OP.NO.8960 OF 2017)

For Petitioner : M/S.S.RADHAKRISHNAN Advocate

For Respondent : MR. B.RAMESH BABU, Govt. Advocate (Crl. Side)

For Intervenor : M/S.M.RAJASEKHAR Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is alleged to have committed offences punishable under Sections 420, 406 and 506 (ii) IPC in Crime No.636 of 2017 on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner along with other persons trespassed into the property of the defacto complainant and even after obtaining Rs.3 lakhs on demand, they demanded further amount of Rs.5 lakhs to vacate and thus committed the above said offences.

3. The learned counsel appearing for the petitioner submits that the petitioner has been in custody from 24.03.2017, that the dispute is purely civil in nature, that civil suit is also pending, that he is having permanent residence and therefore, he may be released on bail.

4. The learned Government Advocate (Crl. side) and the learned counsel appearing for the intervenor opposes this application contending that the investigation is not yet over and the petitioner is habitual encroacher and they used to squat on the property and demand ransom to vacate.

5. Considering the pendency of civil suit between the parties, the fact that the petitioner is having permanent residence, duration of custody and also the facts and circumstances of this case, this Court is inclined to enlarge the petitioner on bail.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum, to the satisfaction of the Judicial Magistrate, Ambattur, Chennai and on further condition that the petitioner shall report before the respondent police on every Monday at 10.00 a.m., for a period of two months.

-sd/-

05/05/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-10, THIRUMULLAIVOYAL POLICE STATION,
CHENNAI 600 062.

5 THE SUPERINTENDENT,
CENTRAL PUZHAL PRISON, CHENNAI.

+1 CC to M/S.S.RADHAKRISHNAN Advocate on payment of necessary charges SR.NO.8488

CRL OP.8960/2017
& CRL MP.NO.6455 OF 2017

Date :05/05/2017

PTI-09/05/2017