

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.8982 of 2017
& CRL.MP.6456 of 2017

RAMESH

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

M.J. JOSEPH SIBI [PETITIONER / DEFACTO COMPLAINANT]
[ORDERED AS PER ORDER OF THIS COURT DATED 05/05/2017 IN CRL
MP.6456/2017]

For Petitioner : M/S.S.RADHAKRISHNAN Advocate

For Respondent : MR. V.JAYAPRAKASH NARAYANAN, Govt. Advocate
(Crl. Side)

For Intervener : M/S.M. RAJASEKAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 406 and 506 (i) IPC on the file of the respondent and seeks anticipatory 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 dispute is purely civil in nature, that civil suit is also pending, that the petitioner is having permanent residence and therefore, he may be released on bail.

4. The learned Government Advocate (CrI. 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 and also the facts and circumstances of this case, this Court is inclined to grant Anticipatory Bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate, Ambattur, Chennai and on his 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 Judicial Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioner shall appear before the concerned Judicial 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/-
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.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.S.RADHAKRISHNAN Advocate on payment of necessary
charges SR.NO. 8487

CRL OP.8982/2017

& CRL.MP.6456 of 2017

Date :05/05/2017

EGR 09/05/2017