



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

Monday, the Twenty First day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10810 of 2017

SOLAIYAPPAN

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DEVADANAPATTI POLICE STATION,
PERIYAKULAM,
THENI DISTRICT
CRIME NO. 345 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : MR.J.SULTHAN BASHA, Advocate for
M/S.AJMAL ASSOCIATES Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

For Intervenor : M/S.P.GANAPATHI SUBRAMANIAN, Advocate

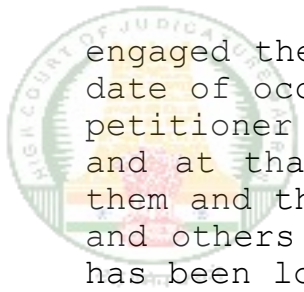
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 452, 323 IPC @ 147, 148, 452, 324 IPC, Section 25(1A) of Arms Act and Section 9(B) (1) (b) Explosives Act in Crime No.345 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused criminally trespassed into the property of the de facto complainant with deadly weapons and attacked him and thereby caused injury.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that the de facto complainant's owner namely, one Raju and one Solaiyappan are partners of a property and for doing real estate business, the said Solaiyappan appointed one Muthulakshmi as power holder. Both the partners have



engaged the petitioner and others for cleaning the plots and on the date of occurrence, on the request made by the said Solaiyappan, the petitioner along with others were doing cleaning work in the plots and at that time, the de facto complainant picked up quarrel with them and that a dispute arose between them and hence, the petitioner and others left out from the place. However, the present compliant has been lodged against the petitioner.

4.The learned counsel for the intervenor would submit that the de facto complainant is working as a Manager under one Raju and the said Raju and Muthulakshmi are partners in a real estate business. The said Raju invested Rs.12 crores and the said Muthulakshmi has not invested any amount, however, she filed a suit in O.S.No.1 of 2016 seeking permanent injunction not to alienate the property as against the said Raju and subsequently, she filed another suit in O.S.No.21 of 2017 before the District Court, Theni for dissolution of partnership and also for partition of the said property. He also submitted that one Varadarajan, who is working as Sub Inspector, is the son of Muthulakshmi and he has induced the petitioner and others for committing the above said offence with the help of the said Solaiyappan.

5.The learned Additional Public Prosecutor submitted that initially case was registered against 10 unnamed accused persons and during investigation based on the confession of A1, totally 9 persons have been arrayed as accused. He also submitted that on the basis of confession of A1, 2 aruvals, 9 petrol bottles, one two wheeler and other deadly weapons were recovered from A1. He also submitted that injured was treated as out patient and investigation is still pending. He further submitted that the petitioner's name was not found place in the FIR.

6.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner's name was not found in the FIR, 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Periyakulam, 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 10.30 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/-
21/08/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVADANAPATTI POLICE STATION, PERIYAKULAM, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.29013
+1. CC to M/S.P.GANAPATHI SUBRAMANIAN, Advocate SR.No.29106

NBJ
CSL/RR-BS/SAR-I/29.08.2017 : 3P/7C

ORDER
IN
CRL OP(MD) No.10810 of 2017
Date :21/08/2017