



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.13255 of 2017

V.SURESH

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY
THE INSPECTOR OF POLICE
TALUK POLICE STATION,
DINDIGUL DISTRICT,
CRIME NO.454/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.CHANDRAKUMAR Advocate

For Respondent : MR.C.RAMESH, Additional Public Prosecutor,

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

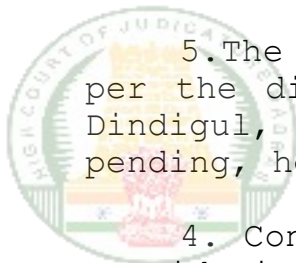
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 451, 427, 380 and 506(i) of I.P.C., in Crime No.454 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that due the land dispute between the petitioner and the defacto complainant the petitioner was said to have trespassed into the property of the defacto complainant and assaulted him and caused injuries. Thereafter, the defacto complainant gave a complaint before the learned Judicial Magistrate No.I, Dindigul. Subsequently, based on the direction given by the learned Judicial Magistrate No.I, Dindigul, on the petition filed by the defacto complainant under Section 156(3) of Cr.P.C., this case was registered for the above said offences in Crime No.454 of 2017.

3. When the matter is taken up for hearing, it is brought to my knowledge that when the alleged occurrence said to have taken place, the defacto complainant, without giving the complaint to the respondent police, directly approached the learned Magistrate. Therefore, the case has been registered only on the direction of the learned Judicial Magistrate No.1, Dindigul, without conducting any proper enquiry.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.



5. The learned Additional Public Prosecutor submitted that as per the direction given by the learned Judicial Magistrate No.I, Dindigul, the case has been registered and since the case is pending, he opposed to grant anticipatory bail.

4. Considering the facts and circumstances of the case and also considering the nature of the offence alleged, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail at the event of his arrest or on his appearance before the learned Judicial Magistrate No.I, Dindigul subject to the following stringent conditions:-

(i) 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 learned Judicial Magistrate No.I, Dindigul and,

(ii) The petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of one week.

(iii) The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

5. The petitioner 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/-

28/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, DINDIGUL

2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE,
TALUK POLICE STATION, DINDIGUL DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.A.CHANDRAKUMAR Advocate SR.No.32029

ORDER

IN

CRL OP(MD) No.13255 of 2017

Date :28/09/2017