



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

Thursday, the Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13496 of 2017

VELAYUTHAM

... PETITIONER / ACCUSED (SOLE)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.
CR NO. 168/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.ABIYA Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

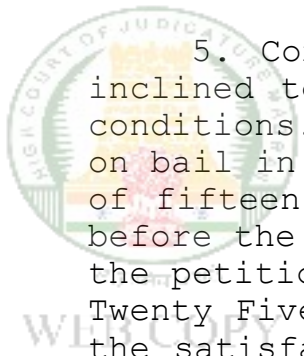
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379(NH) IPC in Crime No.168 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant owned a property in S.No.144/03. However, for the very same property, one Subramani, who is son-in-law of the petitioner and one Thangaraj have filed a suit in O.S.Nos.93 and 95 of 2009 for declaration and permanent injunction. The said suit was dismissed as against the son-in-law of the petitioner. However, the petitioner entered into the property and removed the fence and taken away 26 pillar posts. Aggrieved by the same, the de-facto complainant lodged a complaint against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is 81 years old and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner has entered into the property of the de-facto complainant and removed the pillar stones and damaged the fence. He would further submit that the investigation is still pending and hence, he prays for dismissal of this petition.



5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner is directed to return the stone pillars and restore the fence. If the petitioner violates the condition, it is open to the respondent police to take appropriate action.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner shall not commit any offence while on bail;

(v) 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 and the bail granted stands cancelled automatically.

sd/-

05/10/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KARAIKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KALLAL POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.ABIYA Advocate SR.No.32186

ORDER

IN

CRL OP(MD) No.13496 of 2017

Date :05/10/2017