



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

Monday, the Thirteenth day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1477 of 2017

1 SOOSAI
2 ROBIN
3 REJIKUMAR

... PETITIONERS / ACCUSED NO 1,2 & 3

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 27/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.T.PERUMAL Advocate

For Respondent : MR.P.KANDASAMY Govt. Advocate (Crl. Side)

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

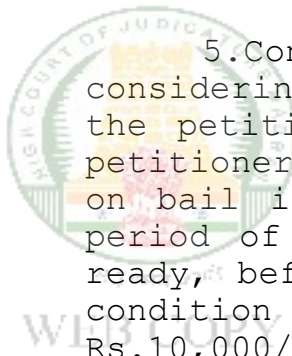
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 447, 294(b), 506(ii) IPC and Section 3(1) TNPPDL Act in Crime No.27 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant was running a textile shop in his land in R.S.No.412/1A measuring 1 cent at Veeyanoor Village. The 1st petitioner claims that he is the owner of the said property. Due to the said dispute, the petitioners demolished the textile shop of the de facto complainant and thereby caused a loss to the tune of Rs.50,000/-.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are willing to deposit a sum of Rs.8,000/- without prejudice.

4.The learned Government Advocate (Crl.side) submitted that totally there are 6 accused and others and the petitioners are arrayed as A1, A2 and A6 respectively. He also submitted that coaccused namely, A3 was arrested and released on bail by the concerned Judicial Magistrate and A4 and A5 were granted anticipatory bail by the Sessions Court and all the accused damaged the de facto complainant's textile shop and investigation is pending.



5. Considering the facts and circumstances of the case and also considering the gravity of offence said to have been committed by the petitioners, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Padmanabhapuram, on condition that the petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)**.

6. The petitioners shall deposit a sum of Rs.8,000/- to the credit of Crime No.27 of 2017 before the concerned Court without prejudice to their rights.

sd/-
13/02/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PADMANABHAPURAM.
 - 2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.C.T.PERUMAL Advocate SR.No.7770

ORDER
IN
CRL OP(MD) No.1477 of 2017
Date :13/02/2017