



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

Tuesday, the Twenty Eighth day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.16321 of 2017

1 JEGANATHAN
2 MANIKANDAN
3 DAKSHINAMOORTHY
4 BALU

... PETITIONERS/ ACCUSED 1 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO. 429/2017.

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.D.VENKATESH, Advocate
For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 427, 506(ii) and 379 of I.P.C., in Crime No.429 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant filed a complaint before the learned Judicial Magistrate under Section 156(3) Cr.P.C., and the said complaint was forwarded to the respondent police for further investigation, wherein, the law enforcing agency stated that the the petitioners trespassed the defacto complainant's property and taken away nearly 50 fertilizer bags worth about Rs.20,000/- (Rupees Twenty Thousand only).

3.The learned counsel for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. He would further submit that the decree was passed in favour of the petitioners and based on the said decree, the petitioners are in enjoyment and possession of the property. The defacto complainant foisted a false complaint against the petitioners before the learned Magistrate.



4. The learned Government Advocate (Criminal side) appearing for the State submitted that he did not dispute the facts made by the learned counsel for the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kodaikanal, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties 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 petitioners 1, 3 and 4 shall report before the respondent police, as and when required for interrogation;

(ii) the second petitioner shall report before the respondent police, daily at 10.30 a.m., for a period of two weeks, and thereafter, as and when required;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioners shall not abscond either during investigation or trial;

(vi) the petitioners shall not commit any offence while on bail;

(vii) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
28/11/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, KODAIKANAL.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.35250

ORDER

IN

CRL OP(MD) No.16321 of 2017

Date :28/11/2017

MS/PM-PN/SAR.1/30.11.2017/3P.6C