



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18033 of 2017

1 M.SUDHAKAR
2 KARTHIKANTHAN

... PETITIONERS/ACCUSED No. 1 to 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
TEMPLE POLICE STATION,
TIRUCHANDUR,
THOOTHUKUDI DISTRICT.
(CRIME NO.212 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.A.THIYAKARAJAN Advocate

For Respondent : MR.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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections, 447 and 309 I.P.C., and Section 3 of TNPPDL Act, in Crime No.212 of 2017 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the accused persons said to have trespassed into the defacto complainant's property and caused damages worth about Rs.2000/- (Rupees two thousand only). Thereby, the defacto complainant lodged a complaint before the respondent police. Based on the complaint, case has been registered for the above said offences.

4.It is submitted by the learned counsel for the petitioners that no such occurrence was happened as alleged by the prosecution. He further submitted that the petitioners are innocent persons and they have not committed any offence and prays for anticipatory bail. However, the petitioners are ready to abide any stringent condition imposed by this Court.



5.The learned Government Advocate (Crl.side) submitted that the petitioners are trespassed into the defacto complainant's property and caused damages worth about Rs.2,000/- (Rupees two thousand only) and investigation is not yet completed.

6.Considering the facts and circumstances of the case,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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchandur, on condition that each 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 are directed to deposit a sum of Rs.2000/- (Rupees two thousand only) to the credit of Crime No.212 of 2017 before the Judicial Magistrate, Tiruchandur and thereafter, the Judicial Magistrate shall accept the sureties furnished by the petitioners.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial. [e] 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]**.

sd/-
28/12/2017

/ TRUE COPY /

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

TO



2 THE CHEIF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
TEMPLE POLICE STATION, TIRUCHANDUR,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.A.THIYAKARAJAN Advocate SR.No.37112

ORDER

IN

CRL OP(MD) No.18033 of 2017

Date :28/12/2017

PK/CM/SAR-2/02.01.2018 : 3P/6C