



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

Friday, the Twenty Eighth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP (MD) No.5449 of 2017

KANDASAMY

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
CHERANMAHADEVI,
TIRUNELVELI DISTRICT.
CR.NO.137 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.PAREKHKUMAR Advocate

For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

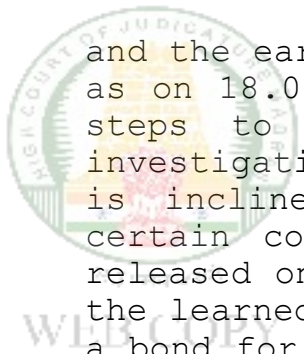
The petitioner, who is arrayed as sole accused in Crime No.137 of 2016 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 447 and 379 (NP) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act and hence, seek anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the respondent/State.

3.The learned counsel for the petitioner submitted that due to land dispute, the petitioner is alleged to have cut the plantains worth about Rs.1 lakh belonging to a temple. The petitioner is innocent. He has not committed any offence as alleged in the complaint. He has been falsely implicated in this case.

4.The learned Government Advocate appearing for the respondent / Police submitted that this is the second anticipatory bail petition and that the earlier anticipatory bail application was dismissed by this Court on merits on 18.08.2016 and that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that though the case is of the year 2016



and the earlier anticipatory bail application was dismissed as early as on 18.08.2016, till date the respondent Police did not take any steps to arrest the accused and in order to facilitate the investigation and to file charge sheet at the earliest, this Court is 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 before the learned Judicial Magistrate, Cheranmahadevi and on his executing 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 Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6.The respondent Police is directed to complete the investigation and to file final report with a period of one month from the date of receipt of a copy of this order.

7.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/-
28/04/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.PAREKHKUMAR Advocate SR.No.21511

ORDER
IN
CRL OP(MD) No.5449 of 2017
Date :28/04/2017