



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

Monday, the Seventeenth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) No.9007 of 2017

MASANAM

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI.
CRIME NO.55/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.MOHAMED YUSUF Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

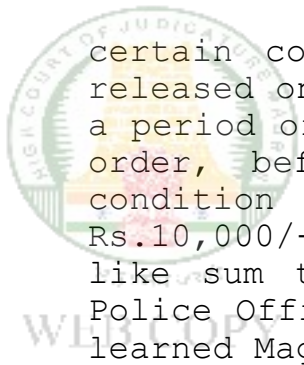
The petitioner, who is arrayed as accused No.3, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 188, 147, 148, 294(b), 323, 324 and 506(ii) I.P.C., and Section 3 of TNPPDL Act, in Crime No.55 of 2017 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute in constructing a compound wall around Sri Rangaraja Perumal Temple. Thereafter, 145 proceedings have been initiated and on 28.01.2017, the Sub-Collector directed the parties to make fence in the land to an extent of 6 cents. While so, on the date of occurrence, the petitioner and others trespassed into the disputed land with deadly weapons and caused disturbance to the implementation of the order passed by the Sub-Collector. Hence, a complaint has been registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that investigation is pending.

5.Considering the facts and circumstances of the case, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam on condition that the petitioner 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 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 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.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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 as if the conditions have been imposed and the petitioner 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/-

17/07/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.A.MOHAMED YUSUF Advocate SR.No.26839

ORDER

IN

CRL OP(MD) No.9007 of 2017

Date :17/07/2017