



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

Monday, the Twenty Fourth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9447 of 2017

MUTHUPANDI

... PETITIONER/ACCUSED 2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
NAINARKOIL POLICE STATION,
RAMNATHAPURAM,
RAMNATHAPURAM DISTRICT,
CRIME NO. 157/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.VEILMUTHU Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

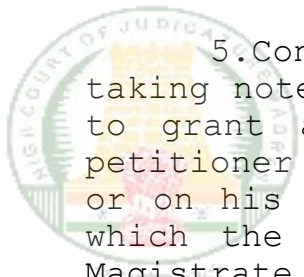
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 109, 294 (b), 323, 427 and 506(ii) IPC in Crime No.157 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to some property dispute, the petitioner along with other accused damaged the house of the de facto complainant by using Tractor.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that earlier also the de facto complainant lodged a complaint and the same was registered in Crime No.147 of 2017 against the petitioner and in that case, anticipatory bail was granted to the petitioner.

4.The learned Additional Public Prosecutor would submit on instruction that totally there are two accused and the petitioner is arrayed as A2 in this case. He also submitted that no one sustained injury and investigation is still pending.



5. Considering the facts and circumstances of the case and also taking note of the fact that no one sustained injury, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Paramakudi, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of 3 weeks.

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

[c] the petitioner 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 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/-

24/07/2017

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

TO

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

+1. CC to M/S.K.VEILMUTHU Advocate SR.No.27163

NBJ

CSL/RR-BS/SAR-I/28.07.2017 : 2P/6C

ORDER

IN

CRL OP (MD) No.9447 of 2017

Date : 24/07/2017