



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

Thursday, the Nineteenth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.23484 of 2016

M.PALANI KUMAR

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.
CR NO. 489 OF 2016.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ARAVINDAN Advocate

For Respondent : Mr.P.KANDASAMY, Government Advocate (Crl.Side)

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 448, 427 and 506(i) IPC in Crime No.489 of 2016 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that after taking possessions of the petitioner's property by the de facto complainant/State Bank of India for non payment of loan, the petitioner trespassed into the said property.

3.The learned counsel for the petitioner submitted that the outer gate of the property of the petitioner alone was locked by the de facto complainant and the petitioner is still in possession of the said property. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that the petitioner break down the lock of property in dispute and trespassed and investigation is pending.

5.Considering the facts and circumstances of the case and considering the nature of allegations leveled against the petitioner, 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, Thirumangalam, 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. until further orders.

[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/-

19/01/2017

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE INSPECTOR OF POLICE, AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.

ORDER IN

CRL OP(MD) No.23484 of 2016

Date :19/01/2017

PBK/KM/SAR-3 19/01/2017 ::2P-5C: