

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.14826 of 2018

KUMARESHAN

[PETITIONER / ACCUSED]

Vs

STATE BY,

[RESPONDENT]

THE INSPECTOR OF POLICE,

T15-SRMC POLICE STATION,

CHENNAI DISTRICT.

CR.NO. 51 OF 2018

For Petitioner : M/S.S.SILAMBU SELVAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.51 of 2018 registered by the respondent police for the offence punishable under Sections 147, 148, 323, 379, 342 and 506(i) of IPC r/w Section 3 of TNPPDL Act.

2. The case of the prosecution as per the *de facto* complainant Shanthi is that on 27.01.2018, due to a land dispute, the other accused on the instigation of the petitioner, trespassed the house of the *defacto* complainant and damaged the garden and also taken the car belonging to the *defacto* complainant.

3. The learned counsel for the petitioner would submit that due to the civil dispute pending between the parties, a false complaint has been given against the petitioner. He would submit that there are totally 8 accused in this case and the petitioner is arrayed as A8. He would further submit that A1 and A2 were already arrested and enlarged on bail.

4. The learned Additional Public Prosecutor submitted that on instigation of the petitioner, the other accused made criminal trespass into the *defacto* complainant's property and taken the car belonging to the *defacto* complainant. He would further submit that A1 and A2 were already arrested and enlarged on bail and that the property has been recovered.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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-I, Poonamallee, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders.

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

[d] the petitioner 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T15-SRMC POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary
charges SR.NO. 10165

CRL OP.14826/2018

Date :07/06/2018

ths 13/06/2018