



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

Thursday, the First day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1482 of 2018

1 ABDUL AZEEZ

2 A.JUNITHA BEGUM

...PETITIONERS/ACCUSED No.1 & 2

Vs

THE INSPECTOR OF POLICE
SETHUBAVACHATHIRAM POLICE STATION,
PATTUKOTTAI TALUK,
THANJAVUR DISTRICT.
(Cr.No.14 of 2018)

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.K.BAALASUNDHARAM Advocate

For Respondent : Mr.A.ROBINSON, Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 447, 506(i) I.P.C., and 3(i) of TNPPDL Act 1992, in Crime No.14 of 2018 , on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners unlawfully entered into the defacto complainant's property and caused damage to the fencing of the land. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, he have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that the petitioners herein wrongfully entered into the defacto complainant's property and committed this offence. According to him, investigation is still pending.



5. Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioners herein wrongfully entered into the defacto complainant's property and committed this offence. It is a case of case in counter. According to petitioners, the property, in which the offence was happened, purchased on 26.04.1999. So, the petitioners and the defacto complainant having dispute over the title of the property. Hence, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioners is not necessary for completing the investigation, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners shall report before the respondent police daily at 10.00 a.m for a period of three weeks and thereafter as and when required for interrogation.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

01/02/2018

/ TRUE COPY /

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

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1 THE JUDICIAL MAGISTRATE
PATTUKOTTAI



2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE
SETHUBAVACHATHIRAM POLICE STATION,
PATTUKOTTAI TALUK, THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to Mr.K.BAALASUNDHARAM Advocate SR.No.1723

ORDER

IN

CRL OP (MD) No.1482 of 2018

Date :01/02/2018

msa

SH/CM-VR/SAR-3:07.02.2018:3p/6c