



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

Wednesday, the Seventh day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1892 of 2018

WEB COPY

1 A.ABBAS

2 A.ROBERT @ ROBERT RAJ

... PETITIONERS/ ACCUSED NO.2 & 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

IN CRIME NO.34/2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.I.SAM JEGAN, Advocate

For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

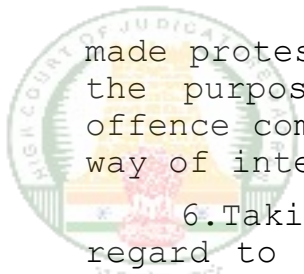
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 353 IPC r/w 3(1) of TNPPDL Act, 1992 in Crime No.34 of 2018, seek anticipatory bail.

2.The case of the prosecution is that as per the proceedings of the District Collector, Dindigul, the Commissioner, Kodaikanal Panchayat Union started erection works of open well to provide drinking water to private resort. Therefore, the petitioners have prevented the erection works and damaged drinking water pipes worth about Rs.3,000/-.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. Before the alleged occurrence, the petitioners and other public residing in the area, in which the occurrence was happened, lodged a complaint before the District Collector for not to divert the water sources, which was used as drinking water to the people residing in that locality. Subsequently, without deciding the said issue, the de facto services permit was given to some third party to dig the well and try to divert the water source to the resorts owned by some private parties. Therefore, the petitioners and other accused in this case



made protest. The petitioners herein committed the offence only for the purpose of public welfare. So, considering the nature of offence committed by the petitioners, nothing has to be recovered by way of interrogation.

6. Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Kodaikanal, Dindigul District, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 petitioners 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/-

07/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, KODAIKANAL, DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.I.SAM JEGAN Advocate SR.No.2045

ORDER IN

CRL OP(MD) No.1892 of 2018

Date : 07/02/2018