



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2069 of 2018

1 ANAND
2 SANKAR GANESH

... PETITIONERS / ACCUSED NO.1&2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THKOOOTHUKUDI DISTRICT.
IN CR.NO. 28/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.JEGADEESH PANDIAN Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

For Intervenor : MR.N.DILIP KUMAR Advocate

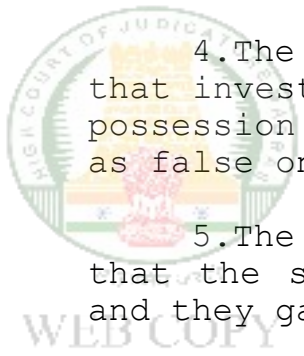
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No.1 & 2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 447, 468, 471, 294(b) and 506(ii) of IPC and Section 3 of TNPPDL Act, in Crime No.28 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner was the driver of the defacto complainant's company and now he was dismissed from the post. During the time of occurrence, he trespassed into the defacto complainant's company, committed mischief and damages the property worth about Rs.10,000/-. Further he demanded Rs.10 lakhs from the defacto complainant. Hence the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and did not commit any offence as alleged by the prosecution. Originally, the company is belonged to this first petitioner. For the mischief committed by the defacto complainant the first petitioner lodged a complaint against the defacto complainant in Crime No.348/2017 and thereafter the proceedings under Section 145 of Cr.P.C is initiated and pending.



4.The learned Government Advocate (Criminal Side) would submit that investigation is still pending. The first petitioner produced a possession certificate of the company and on enquiry it was proved as false one.

5.The learned counsel appearing for the intervenor submitted that the second petitioner is the brother of the first petitioner and they gave threat to the defacto complainant.

6.The submissions made by the learned counsel appearing on either side are considered. The first petitioner is the then employee of the victim's company. It is alleged that during the time of occurrence, the petitioner herein after making a false possession certificate has committed this offence. Subsequent to the registration of this case, proceedings under Section 145 of Cr.P.C was initiated and the same is pending. Admittedly, this petitioner is having the permanent residence in the petition mentioned address. On the other hand, during the course of continuous transaction, the defacto complainant also damaged 45 numbers of coconut trees, for which one another case was registered against him. So, the entire submission made by the counsels on both side clearly reveals that the petitioner is a trouble making person and he had been regularly disturbing the day to day activities of the defacto complainant's company. However, considering the nature of offence committed by the petitioner custodial interrogation may not be necessary. Accordingly, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

7. Accordingly, the petitioners 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, Srivaikundam, 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 stay at Hosur and report before the Inspector of Police, Hosur Town Station, Hosur, daily at 10.00 a.m. until further orders;
- (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



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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/-
13/02/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
HOSUR TOWN STATION, HOSUR.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.N.DILIP KUMAR Advocate SR.No.2417

ORDER
IN
CRL OP(MD) No.2069 of 2018
Date :13/02/2018

MKV-CM-SAR 1/19.2.2018/3P-7C