



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

Wednesday, the Fourteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2313 of 2018

RAVIKUMAR @ RAVI

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO.16/2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.R.VIJAYAKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 448 and 379 of IPC., in Crime No.16 of 2018, seeks anticipatory bail.

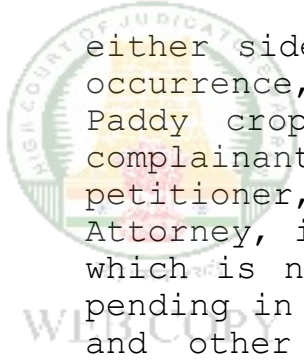
2. The case of the prosecution is that the land situated at Poondi Village in S.No.297/1 (50 Ares) Punja land belongs to the defacto complainant. That being so, on 17.01.2018, the petitioner and other accused said to have harvested the Paddy crops belongs to the defacto complainant. Hence, the present case has been registered against the petitioner and other accused for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the dispute between the petitioner and the defacto complainant is purely civil in nature. Hence, the Investigation Officer is going to close the case as 'mistake of fact'.

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

5. The submissions made by the learned counsels appearing for



either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused committed the theft of Paddy crops from the land, which was possessed by the defacto complainant. Now, on go through the documents submitted by the petitioner, it reveals that the petitioner is having the Power of Attorney, in which the petitioner is permitted to cultivate the land which is now under dispute. In this regard, a civil case has been pending in the Principal Sub Court, Kumbakonam. Further, the Adangal and other revenue records are all stand in the name of the petitioner. Apart from that the learned Government Advocate (Criminal side) specifically stated that since the offence committed by the petitioner is purely civil in nature, the Investigation Officer is going to close the case as 'mistake of fact'. So, considering the above said submissions and other circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Papanasam, on condition that the petitioner 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 petitioner shall report before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

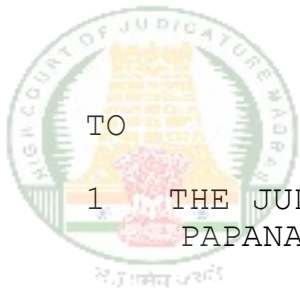
(iii) the petitioner shall not abscond either during investigation or trial;

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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/-

14/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT

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

+1. CC to M/S.R.VIJAYAKUMAR Advocate SR.No.2481

pjl

JAM/19/02/2018/PM-PN/ SAR 4/ 3p-6c

ORDER

IN

CRL OP(MD) No.2313 of 2018

Date :14/02/2018