



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2482 of 2018

JUSTIN JACOB RAJ @ JACOB, ... PETITIONER /1ST ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
THIRUVATTAR,
KANYAKUMARI DISTRICT,
(CR.NO.20 OF 2018) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.DENNIS JOE Advocate

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

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

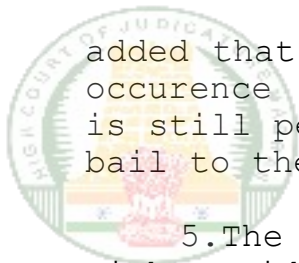
ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hand of the respondent police for the offences under Sections 147, 148, 447, 341, 294(b), 506(ii) and 379 I.P.C., in Crime No.20 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have trespassed into the defacto complainant's land, cut down the rubber trees, worth about Rs.1,50,000/- and taken away the same. Further, the petitioner threatened the defacto complainant and also abused her by using the filthy language. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that totally there are 8 accused in this case. The petitioner herein is arrayed as A1. He further submitted that the petitioner and other accused trespassed into the defacto complainant's land with deadly weapons and cut down the rubber trees, worth about Rs.1,50,000/- and taken away the same. Further



added that the properties which were stolen away during the time of occurrence have not been recovered. According to him, investigation is still pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, due to previous enmity, the petitioner and other 7 accused unlawfully entered into the premises of the defacto complainant and cut down the 8 teak wood trees, worth about Rs.1,50,000/-. According to prosecution, as of now, the stolen properties were not recovered. So, in order to recover the stolen properties, custodial interrogation of the petitioner is necessary for completing the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-

16/02/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION, THIRUVATTAR,
KANYAKUMARI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.DENNIS JOE Advocate SR.No.2588

MSA

GJM/VC/SAR-4-28.2.18-2P-4C

ORDER

IN

CRL OP(MD) No.2482 of 2018

Date :16/02/2018