



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.2504 of 2018

K.PITCHAI

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
APPATHIRUPPATHI POLICE STATION,
OOMICHIKULAM,
MADURAI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SRIDHARAN, Advocate

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

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

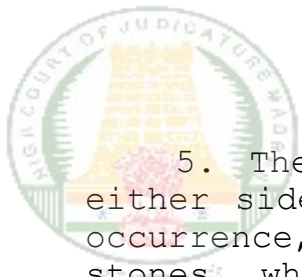
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences under Sections 447, 427, 379(NP) and 506(i) I.P.C., in Crime No.31 of 2016, seeks anticipatory bail.

2.The case of the prosecution is that due to the land dispute, the petitioner assaulted the defacto complainant, threatened him with dire consequences and damaged the fencing and Boundary stones, worth about Rs.1,50,000/-. Hence, a case has been registered against the petitioner for the above said offences.

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

4.The learned Government Advocate (Crl.side) appearing for the State submitted that during the time of occurrence, the petitioner damaged the fencing and boundary stones of the defacto complainant worth about Rs.1,50,000/-. Further submitted that, the properties which were damaged by the petitioner had been recovered. According to him, part of the investigation is completed.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner herein damaged the fencing and boundary stones, which was put up by the defacto complainant. The alleged occurrence was happened on 12.01.2016, subsequently 6 days after, this case has been registered. According to prosecution, as of now, part of the investigation is completed. The property which was damaged by the petitioner also recovered. So, custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, for the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, 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 three weeks, 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 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/-
16/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
APPATHIRUPPATHI POLICE STATION,
OOMICHIKULAM, MADURAI DISTRICT.

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

+1. CC to M/S.M.SRIDHARAN Advocate SR.No.2599

ORDER

IN

CRL OP(MD) No.2504 of 2018

Date :16/02/2018

PK/RR-CSL/SAR-3/20.02.2018 : 3P/6C