



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.291 of 2018

1 RAMESH
2 PERIYASAMY

... PETITIONER / ACCUSED 1 AND 2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
G.VILAKU POLICE STATION, THENI DISTRICT
(CRIME NO.332/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.K.HEMARAJ Advocate

For Respondent : M/S.S.BHARATHI Govt. Advocate (Crl. Side)
DATED :09/01/2018

:MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side) Dated 29.01.2018

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

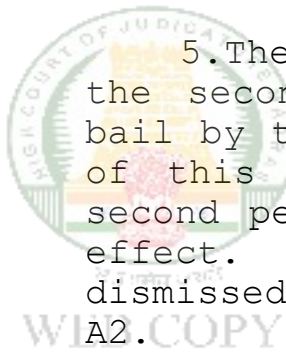
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 447, 294(b), 465 & 506(i) IPC in Crime No.332 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have trespassed the agricultural land of the de facto complainant for encroaching the same. Hence, the present complaint was registered.

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 A2 was granted anticipatory bail by the District Court itself and the investigation is still pending.



5.The learned counsel for the petitioners submitted that the second petitioner / A2 was already granted anticipatory bail by the District Court itself. Hence, he seeks permission of this Court to withdraw this petition in respect of the second petitioner / A2. He also made an endorsement to that effect. In view of the same, the Criminal Original petition is dismissed as withdrawn in respect of the second petitioner / A2.

6.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Sections 147, 447, 294(b), 465 & 506 (i) IPC. Except 506(i) IPC all other offences are bailable in nature. As per the submission of the learned Government Advocate (Crl.side), A2 was granted anticipatory bail by the District Court itself. Hence, the learned counsel for the petitioners is permitted to withdraw this Criminal Original petition in respect of second petitioner. In respect of first petitioner, considering the offence committed, custodial interrogation is not necessary for completing the investigation.

7.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the first petitioner, with certain conditions. Accordingly, the first petitioner is 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, **(*)Andipatti**, on condition that each of the first 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 first petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation.

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

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

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the first petitioner shall stand automatically cancelled



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and the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first 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/-

09/01/2018

(*) AMENDED AS PER ORDER OF THIS HON'BLE COURT MADE IN CRL MP(MD)NO.518/2018 IN CRL OP(MD)NO.291/2018 DATED 29.01.2018 BY RPAJ.

(*) THIS PETITION IS ORDERED AND THE TIME FOR EXECUTING THE SURETIES IS EXTENDED BY TWO WEEKS FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER.

/ TRUE COPY /

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

TO

To be substituted to the order already despatched

- 1 THE JUDICIAL MAGISTRATE, ANDIPATTI.**
- 2 THE JUDICIAL MAGISTRATE, THENI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 4 THE SUB INSPECTOR OF POLICE, G.VILAKU POLICE STATION, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.K.HEMARAJ Advocate SR.No.543

ORDER

IN

CRL OP(MD) No.291 of 2018

Date :09/01/2018