



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3089 of 2018

1 SIVAN @ SIVALINGAM
2 JEYAPPAUL
S/O.DEVASAHAYAM NADAR
3 JEYAPPAUL
S/O.MOOKKANDI NADAR
4 STANLEY @ STANLEY GANAPRAKASAM ... PETITIONER/ACCUSED No.1 to 4

Vs

THE STATE OF TAMILNADU REP. BY,
THE INSPECTOR OF POLICE,
MEIGNANAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.14/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.BALAKRISHNAN, 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 petitioners/A1 to A4, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b) and 506(ii) of IPC and Section 3 of TNPPDL Act, in Crime No.14 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners trespassed into the property of the defacto complainant and damaged one stone pillar, 40 wires and a gatewall. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

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

4.The learned Government Advocate (Criminal Side) appearing for the respondent police the investigation is under progress.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners herein unlawfully entered into the land, which was possessed by the *defacto* complainant and committed mischief, thereby, caused damaged to the value of Rs.1,31,000/-. As of now, the property, which was damaged by the petitioners are not recovered. Considering the nature of offence committed by the petitioners, the custodial interrogation of the petitioners may not be necessary for completing the investigation. However, considering the facts and circumstances of the case, this Court has imposed some stringent condition for granting anticipatory bail to the petitioners.

6. 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, Sathankulam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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) Each of the petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.14 of 2018, on the file of the learned Judicial Magistrate, Sathankulam, without prejudice their defence before the Trial Court.

(ii) the petitioners shall report before the respondent police daily at 10.00 a.m for a period of three weeks and thereafter as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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 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/-

27/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
MEIGNANAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.R.BALAKRISHNAN, Advocate SR.No.3174

ORDER

IN

CRL OP(MD) No.3089 of 2018

Date :27/02/2018

PK/CM-VR/SAR-3/07.03.2018 : 3P/6C