



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3488 of 2018

1 MUTHUPANDI

2 MARIMUTHU

... PETITIONERS/1st AND 2nd ACCUSED

Vs

STATE OF TAMILNADU,
THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
IN CRIME NO.68/2018,
THENI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.SO. PARAMASIVAM 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 and A2, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 447, 427, 379 (N.P) and 506(ii) of IPC in Crime No.68 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to the civil dispute, the petitioners trespassed into the property of the *defacto* complainant and damaged the water pipes worth about Rs.5,000/-. 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.

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



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, due to the civil dispute, the petitioners herein and other two accused unlawfully entered into the land owned by the defacto complainant and damaged the coconut trees and water pipes worth about Rs.5,000/-. Now, the learned counsel appearing for the petitioners submitted that the petitioners are willing to deposit a sum of Rs.5,000/-, towards the cost of damages. Considering the nature of offences 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, Uthamapalaym, 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.5,000/- (Rupees Five Thousand only) to the credit of Crime No.68 of 2018, on the file of the learned Judicial Magistrate, Uthamapalayam, 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/-

06/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3 THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.RM.ARUNSWAMINATHAN, Advocate SR.No.53495

ORDER

IN

CRL OP(MD) No.3488 of 2018

Date :06/03/2018

PK/RR-CSL/SAR-2/12.03.2018 : 3P/6C