



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4102 of 2018

NALLAKANNU

... PETITIONER/ACCUSED No.1

Vs

THE INSPECTOR OF POLICE,
SRIVAICKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.57 OF 2018)

... RESPONDENT

SANKAR GANESH

... PETITIONER/DEFACTO COMPLAINANT

For Petitioner : M/S.P.M.VISHNUVARTHANAN, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervenor : M/S.MUTHUPANDIAN, Advocate

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

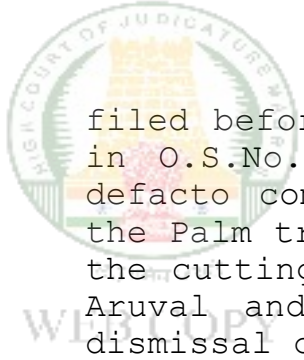
ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353, 307, 379 and 506(ii) IPC., and Section 3 of TNPPDL Act, in Crime No.57 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner abused the defacto complainant by using filthy language, assaulted by using deadly weapons and caused injuries. Hence, the present case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4.The learned counsel appearing for the intervenor submitted that already there was a land dispute between the petitioner and the defacto complainant, for which a civil suit was



filed before the learned District Munsif, Srivaikundam, Thoothukudi in O.S.No.24 of 2017 and the same was ordered in favour of the defacto complainant/intervenor. Thereafter, at the time of cutting the Palm trees in his land, the petitioner/A1 came there and damaged the cutting machines worth about Rs.65,000/- and assaulted him with Aruval and taken away the cutting machine. Hence, he prays for dismissal of this petition.

5.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that in the alleged occurrence, nobody was injured. He further submitted that the stolen property was recovered from A2. According to the prosecution, the investigation is still pending.

6.The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused restrained the defacto complainant from cutting the Palm trees by way of damaging the cutting machine and assaulted the defacto complainant by using Aruval. Admittedly, nobody was injured in the alleged occurrence. The cutting machine which was stolen away by the accused was recovered through the confession statement given by A2. So, considering the nature of offence committed by the petitioner, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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 on which the order copy is made ready, before the learned Judicial Magistrate, Srivaikundam, 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 10.30 a.m., until further orders;

(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 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/-

21/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SRIVAİKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.M.VISHNUVARTHANAN, Advocate SR.No.4512

ORDER

IN

CRL OP(MD) No.4102 of 2018

Date :21/03/2018

PK/RR-CSL/SAR-1/27.03.2018 : 3P/6C