



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

Thursday, the Twenty Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4270 of 2018

1 S. WILLIAM
2 N. NELSON
3 S. JEGAN
4 JOCKIN RAJ (JOE) ... PETITIONERS/ACCUSED 1 TO 8

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NO. 70/2018 ... RESPONDENT/COMPLAINANT

C.PACHAMAL ... INTERVENE PETITIONER/DEFACTO COMPLAINANT

For Petitioner : M/S.T.ARUL Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

For Intervenor : M/S.T.LAJAPATHI ROY, Advocate

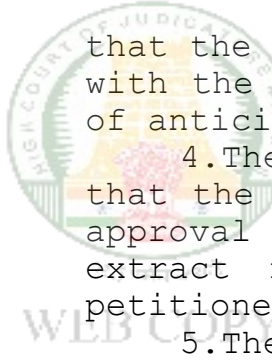
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A8, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 447 and 506(ii) I.P.C., in Crime No.70 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as watchman in the quarry belonging to one A.B.S.Antow. On 12.03.2018, at about 11.30 a.m., the petitioners and three other accused illegally trespassed into the said quarry and cut down many trees belonging to the owner of the defacto complainant. When the defacto complainant objected and tried to restrain the petitioners, the petitioners and other accused abused him by using filthy language, assaulted him by using deadly weapons and threatened him with dire consequences. Hence, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted



that the petitioners are innocent persons, they are no way connected with the offence, as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.

4.The learned counsel appearing for the intervenor submitted that the quarry is running after getting appropriate permission and approval from the Government. He further submitted that in order to extract money from the owner of the defacto complainant, the petitioners agitate against the quarry stating several reasons.

5.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the investigation is still pending.

6.The submissions made by the learned counsel appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners unlawfully entered into the property of the defacto complainant's owner and made life threat to the defacto complainant. Further, they tried to cut the trees, which belongs to the owner of the defacto complainant. Except those allegations, no other allegation is levelled against the petitioners by the defacto complainant. Further, except the offence under Section 506(ii) of IPC., all other petition mentioned offences are bailable in nature. According to the submission made by the learned counsel appearing for the intervenor, already with regard to the place of occurrence, a competent Civil Court granted injunction in favour of the defacto complainant against the petitioner for not interfering in the scene of occurrence. According to the intervenor, the petitioners alone are disobeying the order passed by the Civil Court. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Eraniel, on condition that each of the petitioners 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 to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the Inspector of Police, Tirunelveli Town Police Station, daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) 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 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/-
22/03/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.ARUL Advocate SR.No.4705
+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.4675

PJL
CSL/PMI/SAR-IV/03.04.2018 : 3P/8C

ORDER
IN
CRL OP(MD) No.4270 of 2018
Date :22/03/2018