



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

Monday, the Ninth day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.4271 of 2018

1 A.A.BAYAS

2 AJO BAYAS

... PETITIONERS / ACCUSED Nos.1 &2

Vs

1 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT .
IN CR.NO. 30/2018

... RESPONDENT / RESPONDENT

2 NAINAR

...RESPONDENT / DEFECTO COMPLAINANT

**(R2 IMPLEAD AS PER ORDER OF THIS HON'BLE
COURT MADE IN CRL MP(MD)No.2446/18 IN
CRL OP(MD)No.4271/18 DATED 28.03.2018**

For Petitioners : Mr.N.MOHIDEEN BASHA Advocate

For Respondent 1 : Mr.A.P.G.OHM CHAIRMA PRABHU
Govt. Advocate (Crl. Side)
R2 : Mr.G.KARNAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b), 380 and 506(ii) I.P.C., in Crime No.30 of 2018, seek anticipatory bail.

2.The petitioners are erstwhile tenants of the defacto complainant. The petitioners were tenants for a period of 7 years in the year 2011. The case of the petitioners is that they paid a sum of Rs.2,00,000/- to the defacto complainant as advance. Since he did not return the same, the petitioners sent a legal notice to the defacto complainant on 04.11.2017. The defacto Complainant sent a reply notice on 06.11.2017.The specific defence of the petitioners is that as a pure counter blast, the present theft complaint was lodged on 07.01.2018.



3. Heard the learned Government Advocate (Crl.Side).

4. Considering the nature of allegation made against the petitioners and the fact that the petitioners are erstwhile tenants of the defacto complainant, 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 before the learned Judicial Magistrate, Nanguneri, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

5. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
09/04/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.5645
+1 CC TO Mr.G.KARNAN , Advocate, Sr.No. 5686

MSA

JAM/16/04/2018/ CSL-RR /SAR 4 / 2P-7C

ORDER
IN
CRL OP(MD) No.4271 of 2018
Date :09/04/2018