



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

Monday, the Twenty Second day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.887 of 2018

1 SENTHIL KUMAR

2 ARCHUNAN

3 CHELLA DURAI

... PETITIONERS/ACCUSED No.2 to 4

Vs

THE STATE REP BY

THE INSPECTOR OF POLICE

SUTHAMALLI POLICE STATION,

TIRUNELVELI DISTRICT

(CRIME NO. 23/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.ANAND Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 506(i) & 379 IPC and Section 3 of TNPPDL Act, 1992 in Crime No.23 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioners have forcibly taken away the cattle of the de facto complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the de facto complainant is having 2 previous cases, in which one case has been registered for the offences punishable under Section 379 IPC and the first petitioner herein lodged a complaint before the same Police on 29.07.2017 against the de facto complainant. He also submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences and pleads for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.side) submitted that the petitioners and the de facto complainant are having lease hold relationship in respect of an agriculture land and the investigation is still pending.

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5.The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for the offences punishable under Sections 506(i) & 379 IPC and Section 3 of TNPPDL Act. As per the submissions made by the learned counsel for the petitioners, the de facto complainant is having 2 previous cases, in which one case has been registered for the offences punishable under Section 379 IPC. Further, before lodging the complaint pertaining to this petition, the first petitioner herein lodged a complaint before the same Police on 29.07.2017 against the de facto complainant. It shows that the de facto complainant is having previous enmity against these petitioners. Further the learned Government Advocate (Crl.side) submitted that the petitioners and the de facto complainant are having lease hold relationship in respect of an agriculture land. So considering the previous antecedents of the petitioners, custodial interrogation is not necessary for completing the investigation.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli, 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.

(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 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]**.

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sd/-
22/01/2018

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

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, CHERANMAHADEVI,
TIRUNELVELI
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.R.ANAND Advocate SR.No.1211

ORDER
IN
CRL OP(MD) No.887 of 2018
Date :22/01/2018

SMA/RR-CSL/SAR-3/29.01.2018:3P/6c