



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.90 of 2018

1 MURUGAN
2 MAGESH @ MAHENDRAN
3 ESAKKIMUTHU

... PETITIONERS/ACCUSED No.1 to 3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
EREL POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO. 382 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.THIYAGARAJAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Cr1. Side)

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

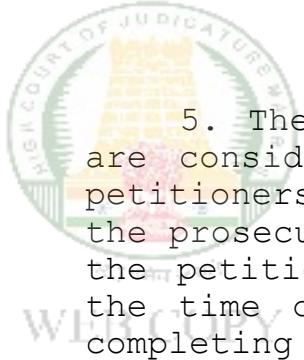
ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323, 324 and 506(ii) IPC, read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, and Section 3 of TNPPDL Act, in Crime No.382 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 15.12.2017, due to previous enmity regarding land dispute, the petitioners trespassed into the house of the defacto complainant and attacked the defacto complainant and his daughter-in-law, caused injuries and damaged the articles worth about Rs.73,000/- and also threatened him with dire consequences. Hence, the present case has been registered for the above said offences.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners and the defacto complainant are close relatives and they have been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the injured has been discharged from the hospital. He further submitted that the petitioners damaged the property worth about Rs.73,000/- and investigation is still pending.



5. The submissions made by the learned counsel on either side are considered. It is alleged that due to the land dispute, the petitioners herein committed the above said offence. According to the prosecution, the property worth about Rs.73,000/- was damaged by the petitioners. However, the person, who sustained injury during the time of alleged occurrence is discharged from hospital after completing treatment. So, the stage of investigation shows that custodial interrogation is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Tiruchendur, 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) the petitioners shall deposit a sum of Rs.20,000/- each, to the credit of Crime No.382 of 2017 on the file of the learned Judicial Magistrate, Tiruchendur and thereafter the learned Magistrate shall accept the sureties;

(ii) the petitioners shall report before the investigation officer, 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 commit any offence while on bail;

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

(vi) 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/-

17/01/2018

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



1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
EREL POLICE STATION,
THOOTHUKUDI DISTRICT

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

ORDER
IN
CRL OP(MD) No.90 of 2018
Date :17/01/2018

SMA/RR/SAR-4/23.01.2018:3P/5c