



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

Monday, the Twenty Second day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.91 of 2018

1 G.S. PERIYASAMY
2 CHANDRAMOHAN
3 SUNDHARAM
4 SELLADURAI

... PETITIONERS/ACCUSED A1 to A4

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
THURAIYUR POLICE STATION,
TRICHY DISTRICT.
(CRIME NO. 418 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.KARUNANITHI Advocate

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

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

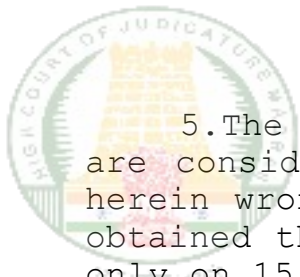
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 324, 447, 448, 465, 468, 506(i) and 420 I.P.C., in Crime No.418 of 2017 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 15.05.2017 the petitioners/Accused Nos.1 to 4 trespassed into the de-facto complainant's house and forcibly obtained the signature of his father. When the same was questioned by the de-facto complainant, the petitioners threatened and pull down him.

3.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Criminal side) that the petitioners/Accused Nos.1 to 4 trespassed into the de-facto complainant's house and committed this offence. According to him, investigation is pending.



5.The submissions made by the learned counsel on either side are considered. It is alleged that on 15.05.2017 the petitioners herein wrongfully entered into the de-facto complainant's house and obtained the signature from his father, but the case was registered only on 15.09.2017 after the completion of four months from the date of occurrence. Apart from that, the evidences to be collected in this case are all in the form of documents.

6.Taking all the abovesaid aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, 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 Judicial Magistrate, Thuraiyur, 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 10.30 a.m. for a period of one month 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 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]**.

sd/-
22/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
THURAIYUR POLICE STATION, TRICHY DISTRICT.

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

+1. CC to M/S.R.KARUNANITHI Advocate SR.No.1077

ORDER

IN

CRL OP(MD) No.91 of 2018

Date :22/01/2018

SMA/RR/SAR-4/24.01.2018:3P/6c