



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21703 of 2018

ANNAMALAI @ ARUNACHALAM

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ODDANCHATHIRAM POLICE STATION,
DINDIGUL DISTRICT.
IN CRIME NO.635 OF 2018

... RESPONDENT / COMPLAINANT

N.GANESAN

... PETITIONER/ INTERVENER

For Petitioner : Mr.A.G.SENTHILKUMAR, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)
For Intervenor : Mr.R.SENTHIL KUMAR, Advocate

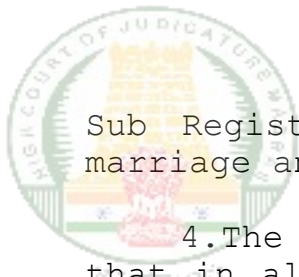
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 447, 506(i) of IPC, in Cr.No.635 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioner along with other accused tress passed into the defacto complainant's property and made criminal intimidation. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner and the defacto complainant are close relatives. There was civil suits were filed against each other. He further submits that already the defacto complaint lodged a complaint of similar nature. Hence, the petitioner had filed Crl.O.P.(MD).No.15544 of 2018 seeking a direction not to harrass him on the basis of the above said complaint. When it was taken up for hearing on 03.09.2018, it was represented that the said complaint was closed. Again the defacto complaint filed this complaint. Further on the date of alleged occurrence, the petitioner was present before the



Sub Registrar Officer, Kannivadi, for registration of his son's marriage and he has been falsely implicated.

4.The learned counsel for the defacto complainant submitted that in all the civil cases, the defacto complainant succeeded and to circumvent the finding of the civil court the petitioner taking the law in his own hand, creating trouble and tress passed into the lands of the defacto complainant and has been caused damages to the property. Further he is threatening the defacto complainant with dire consequences.

5.The learned Government Advocate (Crl. Side) would submit that the investigation is still pending.

6.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ottanchathiram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily twice at 10 a.m. and 5.00 p.m. for a period of two weeks and thereafter as and when required for interrogation

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, OTTANCHATHIRAM.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE
ODDANCHATHIRAM POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to Mr.A.G.SENTHILKUMAR Advocate SR.No.23864

ORDER

IN

CRL OP (MD) No.21703 of 2018

Date :19/12/2018

MS/PN-AC/SAR-4/26.12.2018/3P.6C