



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

Thursday, the Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7591 of 2018

1 T.SUGAN
2 S.KANNAN
3 K.LINGAPANDI MARTHANDAN
4 S.ANANTHARAJ
5 GUNAN@CHANDRAMANICKA
MARTHANDAN

... PETITIONERS/ACCUSED Nos.1 to 5

Vs

STATE REP BY
THE INSEPCTOR OF POLICE
OVARI POLICE STATION,
OVARI, TIRUNELVELI DISTRICT
CRIME NO. 55 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.C.SUNDARA VADIVEL Advocate

For Respondent : MR.M.ASOKAN, 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 Section 379 of I.P.C in Crime No.55 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 24.04.2018, early morning, the petitioners herein trespassed into the de-facto complainant's land and committed theft of 3000 coconuts and when the de-facto complainant questioned them, they threatened the de-facto complainant.

3.The learned counsel for the petitioners submitted that the 1st petitioner's father is the owner of the property and a civil suit between the petitioners and the complainant is pending in O.S.No.11 of 2018, before the learned Principal District Judge, Tirunelveli. The learned Counsel would also submit that in order to create evidence as if the complainant is in possession, a false case has been lodged against the petitioners.



4. The learned Government Advocate (Crl. side) appearing for the respondent Police would submit that the petitioners committed theft of coconuts and the complainant has produced photographs and has also recorded the same in mobile phone.

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5. Considering the facts and circumstances of the case and also taking note of the fact that a civil suit is pending, this Court is inclined to grant anticipatory bail to the petitioners/Accused 1 to 5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court, Valliyur, Tirunelveli District, on condition that the petitioners 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the concerned Judicial Magistrate weekly once (ie., on Sundays) at 10.30 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, 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/-
03/05/2018

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



To

1 THE JUDICIAL MAGISTRATE,
VALLIYUR, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSEPCTOR OF POLICE
OVARY POLICE STATION,
OVARY, TIRUNELVELI DISTRICT

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

+1. CC to M/S.C.SUNDARA VADIVEL Advocate SR.No.8127

ORDER

IN

CRL OP(MD) No.7591 of 2018

Date :03/05/2018

SMA/PN/ASVM/04.05.2018:3P/6C