



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.7580 of 2018

1 MURUGAN,
2 ESAKIRAJA,
3 JEYALAKSHMI,

... PETITIONERS/ACCUSED 1 TO 3

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
NARAIKINNARU POLICE STATION,
THOOTHUKUDI DISTRICT.
(CR.NO.13/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.G.KANDHA VADIVELAN, Advocate

For Respondent : MR.M.ASOKAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehending arrest at the hands of the respondent Police for the offence punishable under Section 379 of IPC r/w Section 4 of Public Property Damages and Loss Act, in Crime No.13 of 2018, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have committed theft of Electric Motor and damage the lock in the meter box.

3. The learned counsel for the petitioners submitted that there is civil dispute between the defacto complainant and the petitioners regarding the ownership of Well and due to civil dispute a false complaint has been lodged by the defacto complainant and prays for anticipatory bail in favour of the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioners caused damage to the tune of Rs.2,000/- (Rupees Two Thousand Only) and that the property has not been recovered.



5. Considering the facts and circumstances of the case and that there is civil dispute between the defacto complainant and the petitioners and that nobody is injured in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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-II, Kovilpatti on condition that the petitioners shall execute a bond each of them for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 jurisdictional Magistrate once in a week i.e., on Monday 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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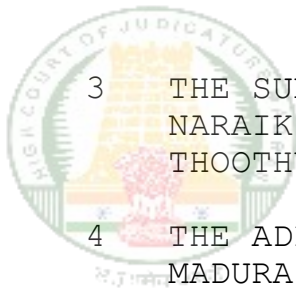
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE

<https://hcservices.courts.gov.in/hcservices/>
TOLLONIN DISTRICT



3 THE SUB INSPECTOR OF POLICE,
NARAIKINNARU POLICE STATION,
THOOTHUKUDI DISTRICT.

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

WEB COPY

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.8178

GJM/PN/ASVM/7.5.18-3P-6C

ORDER

IN

CRL OP(MD) No.7580 of 2018

Date :03/05/2018