



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

Friday, the Twenty Ninth day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.10657 of 2018
and
CRL MP(MD)No.4903 of 2018

1 THIRUMALAI GANESAN
2 ABBAS

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION,
TIRUNELVEI DISTRICT ,
CRIME NO.122 OF 2018

... RESPONDENT / COMPLAINANT

R.VIJAYAPRAKASH

... PETITIONER / INTERVENER

IN CRL MP(MD)No.4903/18 CRL OP(MD) No.10657 of 2018
(AS PER ORDER DATED 29.06.2018)

For Petitioners : Mr.A.THIRUVADI KUMAR Advocate

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

For Intervener : Mr.J.ASHOK, Advocate

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

ORDER : The Court Made the following order :-

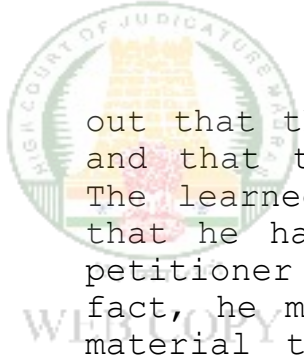
The petitioners apprehend arrest at the hands of the respondent Police for the offences under Sections 447, 427 of I.P.C. and Section 3 of TNPPDL Act in Crime No.122 of 2018

2.Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Crl. side) appearing for the respondent and the learned counsel appearing for the intervener.

3.The case of the prosecution is that on 31.05.2018 at about 15:00 hours, the petitioners came to the spot in question and caused damage to the *de facto* complainant's crops worth about Rs.2,18,000/- by pouring herbicides.

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4.The learned counsel appearing for the petitioners would point



out that the first petitioner is a well known medical professional and that the second petitioner is the first petitioner's driver. The learned counsel appearing for the petitioners further submits that he has got unimpeachable materials to proof that the second petitioner was present at Tirunelveli during the relevant time. In fact, he made a bold assertion that his presence elsewhere at the material time has been duly recorded in CCTV maintained by the Aravind Eye Hospital, Tirunelveli. He also pointed out that even though the crimes is said to have taken place on 31.05.2018, the information was lodged before the Police only on 05.06.2018. His further contention is that more or less similar complaint was lodged during the last year also and that led to the petitioners to seek anticipatory bail from this Court. He also contended that there is a civil litigation pending between the parties at the stage of the first Appeal.

5. Taking into account all these contentions raised by the learned counsel appearing for the petitioners/accused, this Court is of the view that the custodial interrogation of the petitioners is not warranted in this case.

6. Considering the facts and circumstances of the 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 before the learned Judicial Magistrate, Sivagiri and on their executing a bond 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
29/06/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
SIVAGIRI, TIRUNELVELI DISTRICT



2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to Mr.A.THIRUVADI KUMAR Advocate SR.No.11750

tsg

JAM/04/07/2018/ RR/RNB/ 3p-6c

ORDER
IN
CRL OP(MD) No.10657 of 2018 and
CRL MP(MD)No.4903 of 2018
Date :29/06/2018