



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

Thursday, the Sixteenth day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.14574 of 2018

C. SUBBARAJ @ DURAIRAJ

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THIRUVENGADAM POLICE STATEION,
TIRUNELVELI DISTRICT.
IN CRIME NO. 156 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mrs.S.MAHALAKSHMI Advocate

For Respondent : Mrs.M.ANANTHA DEVI Govt. Advocate (Crl. Side)

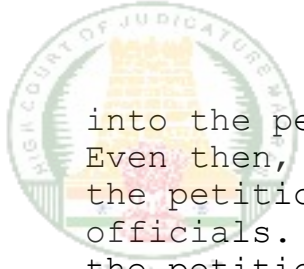
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 186, 189, 353, 432 and 506(i) of IPC, in Crime No.156 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the drainage channel constructed by the Maiparai Panchayat out of the funds of the District Panchayat to drain the sewerage of South Street residents of Maiparai Village. It was pull down and closed with an aid of a JCB, an earth mover by the petitioner on 01.08.2018. When the defacto complainant, questioned the same, he was abused, restrained from discharging his official duties and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner already filed a suit in O.S.No.140 of 2015 in which, he also filed an Interlocutory Application in I.A.No.460 of 2015 on the file of the learned Principal District Munsif, Sankarankovil, restraining the defacto complainant and two others from entering into the petitioner's property and restrained them from laying drainage pipe line. The learned Principal District Munsif, Sankarankovil, by an order dated 29.07.2018 granted interim injunction restraining the complaint and two others from entering



into the petitioner's property and laying the drainage pipe line. Even then, the complainant was trying to lay the drainage line in the petitioner's property with aid of police and other arriving officials. Therefore, a false complaint has been foisted as against the petitioner.

4. It is seen from the records shows that the petitioner obtained injunction as against the defacto complainant and two others by an order dated 27.05.2015. Thereby, restrained the defacto complainant from entering into the petitioner's land and laying the drainage line.

5. Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Sankarankovil, Tirunelveli District and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioner 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/-

16/08/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE , SANKARANKOVIL.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.MAHALAKSHMI Advocate SR.No.78937
PS/JC/SAR-2:27/08/2018:2P/6C

ORDER

IN

CRL OP(MD) No.14574 of 2018

Date :16/08/2018