



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

Friday, the Ninth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20144 of 2018

NIJAMUDEEN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION,
PUDUKOTTAI DISTRICT.
CRIME NO.199/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.SURESH Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest by the respondent for the offences punishable under Sections 147, 294(b), 427 and 506(i) of IPC in Cr.No.199 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant having dispute over the property and there are litigation between them. Due to which the petitioner lead a team of eight persons in two vehicles armed and had damaged the property in possession of the defacto complainant.

3. The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence . However without prejudice to his contention he is willing to deposit a sum of Rs.5000/- to the credit in Crime no. 199 of 2018 and prayed for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that there is a civil dispute between the petitioner and the defacto complainant and the damage assessed is about Rs.40,000/-



5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioner.

6. 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, Keeranur 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 deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Cr.No.199 of 2018 before the Judicial Magistrate, Keeranur, without prejudice to his defence before the trial Court.

[c] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation

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

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

[f] 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].

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

sd/-

09/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
KEERANUR.

2 -DO- THROUGH THE CHIEF

JUDICIAL MAGISTRATE, PUDUKOTTAI.



3 THE INSPECTOR OF POLICE
ANNAVASAL POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1. CC to M/S.J.JEYAKUMARAN Advocate SR.No. 21325

ORDER
IN
CRL OP(MD) No.20144 of 2018
Date :09/11/2018

JM/MMS/SAR 1/16.11.2018/3P/6C