



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22361 of 2018

HAKEEM RAJA

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.

(IN CRIME NO. 469 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.SENGUTTUARASAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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 447,294(b),427 and 506(i) of IPC in Cr.No.469 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that due to land dispute the petitioner abused the defacto complainant and threatened him with dire consequences and also damaged the cultivating land 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. 469 of 2018 and prayed for anticipatory bail.

4. The learned Government Advocate(Crl.Side) would submit that there is a land dispute between the petitioner and the defacto complainant, and the damage assessed is about Rs.5,000/-

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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, Periyakulam, Theni District 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.469 of 2018 before the learned Judicial Magistrate, Periyakulam, Theni District, without prejudice to his defence before the trial Court.

[c] the petitioner shall report before the respondent police 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/-
19/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3. THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.

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

+1. CC to MR.P.SENGUTTUARASAN Advocate SR.No.23686

ORDER

IN

CRL OP (MD) No.22361 of 2018

Date :19/12/2018

AE/VR/SAR3/20.12.2018/3P/6C