



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

Tuesday, the Thirteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20181 of 2018

1 B.RAJAGOPAL

2 B.SANKAR RAJAN

... PETITIONERS/ACCUSED No.1 & 2

Vs

THE STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
MALLI POLICE STATION, MALLI,
VIRUDHUNAGAR DISTRICT
CRNO.141/2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.V.R.G.MOHAN, 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 petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 379 I.P.C. in Crime No.141 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the close relatives of the *de facto* complainant. The *de facto* complainant's maternal grand-mother Venkatiammal had five children viz., Balakrishnan, Gopalsamy, Guruvammal, Ramasamy and Sethuraj. The *de facto* complainant is Guruvammal's daughter. The petitioners, viz., Raja Gopal and Sankar Rajan, are the sons of Balakrishnan. The *de facto* complainant married the elder son of her maternal uncle. It is seen that the alleged occurrence is said to have taken place on 30.09.2018 at about 11.00 a.m. There is some dispute with regard to the possession and enjoyment of the property. The *de facto* complainant presently resides at Bangalore along with her husband. The petitioners herein are said to have cut down the trees belonged to the *de facto* complainant. Hence the complaint.



3. The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offence.

4. Heard the learned Government Advocate (crl. Side) appearing for the respondent.

5. Taking into consideration the facts of the case and the submissions of both the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivilliputhur, on condition that the petitioners shall execute 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police as and when required for interrogation

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.

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

sd/-
13/11/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
MALLI POLICE STATION, MALLI,
VIRUDHUNAGAR DISTRICT

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

+1. CC to MR.V.R.G. MOHAN Advocate SR.No.21602

ORDER
IN
CRL OP(MD) No.20181 of 2018
Date :13/11/2018

TSG
PK/JC/SAR-4/22.11.2018 : 3P/6C