



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

Monday, the Nineteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20186 of 2018

1 PARAMAN

2 RAJA

... PETITIONERS/ ACCUSED No. 1 & 2

Vs

THE INSPECTOR OF POLICE
HIGHWAY POLICE STATION,
THENI DISTRICT.

CR NO. 103 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.RM.ARUN SWAMINATHAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. 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 offences punishable under Sections 147, 447, 435, 294(b) and 506(ii) of IPC and Section 3 of Forest Conservation Act, 1980, in Crime No.103 of 2018, seek anticipatory bail.

2.The case of the prosecution is that totally there are 17 accused in this case, the petitioners are arrayed as Accused Nos.1 and 2. The de-facto complainant had purchased the property during february 2018, from one Rabiammal @ Pirammal, Shek Abdul Kadhar and Syed Ali Fathima. When he had gone to visit his land, the petitioners and others were cutting down trees and damaging their property and threatened the de-facto complainant.

3. The learned counsel for the petitioners would submit that the petitioners was cultivating coffee in S.No.45 to the extent of 2 acres respectively and the Village Administrative Officer had also given a possession certificate and the proceedings are pending before the Assistant Commissioner Land Reforms in the year 2013. It is now stated that this order is being challenged by the de-facto



complainant before the RDO. He would further submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl.side) for the respondent police submitted that the investigation is pending.

5. Taking into consideration the facts of the case, with regard to the petitioners and de-facto complainant between the ownership and occupation of the properties, the proceedings are pending before the Revenue Authorities, 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 Court, Andipatty, 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/-
19/11/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE INSPECTOR OF POLICE
HIGHWAY'S POLICE STATION,
THENI DISTRICT.

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

+1. CC to MR.RM.ARUN SWAMINATHAN Advocate SR.No.21775

ORDER

IN

CRL OP (MD) No.20186 of 2018

Date :19/11/2018

MSI/PN/SAR-II/28.11.2018-3P/6C