



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

Monday, the Nineteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20250 of 2018

1 RENGASAMY

2 DURAIRAJ

... PETITIONERS/ ACCUSED NO. 1 & 2

Vs

STATE THROUGH SUB INSPECTOR OF POLICE

JAMBUNATHAPURAM POLICE STATION,

TRICHY DISTRICT.

CRIME NO. 137 / 2018

... RESPONDENT/ DEFACTO COMPLAINANT

For Petitioners : MR.A.HAJA MOHIDEEN 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 448 and 436 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) and Section 9(B)(1)(b) of Explosives Act, 1884, in Crime No.137 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute between the petitioners and the de-facto complainant, the petitioners said to have destroyed the house and threatened the de-facto complainant and his family members.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners and the de-facto complainant are neighbours. There is a civil dispute between them and a case was filed by this Court in C.M.P.No.8349 of 2018 in Writ Appeal SR.No.35869 of 2018 and the same is pending. On 15.10.2018, the petitioner's father had sent a representation to the respondent police to take action against the de-facto complainant. He would also submit that the de-facto



complainant made a false complaint against the petitioners. 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, 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, Thuraiyur, 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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

1 THE JUDICIAL MAGISTRATE
THURAIYUR

<https://hcservices.ecourts.gov.in/hcservices/>

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT



3 THE SUB INSPECTOR OF POLICE
JAMBUNATHAPURAM POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to MR.A.HAJA MOHIDEEN Advocate SR.No.21773

ORDER
IN
CRL OP(MD) No.20250 of 2018
Date :19/11/2018

MSI/VR-MMS/SAR-IV/20.11.2018-3P/6C