



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20255 of 2018

A.K.KHAJA ZIYAUDEEN

... PETITIONER / ACCUSED No.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.686/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.SUBASH BABU Advocate

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

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

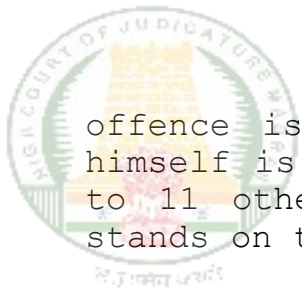
ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 451, 379, 406, 465, 468 r/w section 34 and 120(b) of IPC and Section 3(1) of Tamilnadu Public Property (Prevention of Damage & Loss) Act, 1992, in Cr.No.686 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with others demolished the building which was run by his mother as hotel.

3.The learned counsel for the petitioner would submit that a false case has been foisted against them and they had nothing to do with the alleged offences. The petitioner was arrayed as A2. The petitioner and the defacto complainant have common ancestors. It seems to be a dispute over the sharing of the ancestral property. There are other cases pending between them.

4.The perusal of the FIR shows that there has been several earlier petitions filed by the defacto complainant not only against the petitioner and other department officials, Advocates, Political persons and others stand pending and as per the FIR the period of



offence is from the year 2001 to 2016. The defacto complainant himself is an Advocate and this Court has granted anticipatory bail to 11 other accused including the brother of the petitioner who stands on the same footing in CrI.O.P(MD).No.19517 of 2018.

5. Taking into consideration the facts of the case, 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 No.V, Trichy, 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 report before the respondent police as and when required for interrogation

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

[d] the petitioner 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 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]**.

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

sd/-
14/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V,
TRICHY.

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

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



3. THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to MR.M.SUBASH BABU Advocate SR.No.21591

ORDER

IN

CRL OP (MD) No.20255 of 2018

Date :14/11/2018

TM

AE/JC/SAR4/20.11.2018/3P/6C