



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20358 of 2018

1 PANNEERSELVAM

2 VELLAISAMY

3 AMIRTHAM @ AMIRTHAVALLI

... PETITIONERS / ACCUSED 1 TO 3

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

ELANJAMBUR POLICE STATION,

RAMNAD DISTRICT.

CRIME NO.48/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.D.VENKATESH Advocate

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

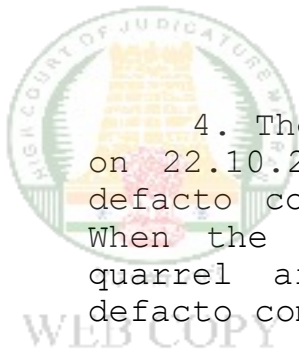
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 441, 427, 294(b) and 506(ii) IPC in Crime No.48 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are neighbours to the defacto complainant. On 22.10.2018 the petitioners trespassed into the house of the defacto complainant and cut down the Neem tree and Lemon tree. When the same was questioned by the defacto complainant, wordy quarrel arose between them and the petitioners threatened the defacto complainant.

3.The learned counsel for the petitioners would submit that the petitioner is innocent person and he is nothing to do with the alleged offences. The petitioners 2 and 3 are the brother and sister of the first petitioner and they are no way connected with the occurrence.



4. The learned Government Advocate (crl.side) would submit that on 22.10.2018, the petitioners trespassed into the house of the defacto complainant and cut down the Neem tree and Lemon tree. When the same was questioned by the defacto complainant, wordy quarrel arose between them and the petitioners threatened the defacto complainant.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Mudukulathur, 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 1 and 2 shall report before the respondent police daily at 10.00 am for a period of two weeks and thereafter as and when required for interrogation. The third petitioner 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.

[d] considering the damage caused to the defacto complainant by the first petitioner, this Court directs the first petitioner to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Rojavanam Illam, Madurai.

[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/-

14/11/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
MUDUKULATHUR.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
ELANJAMBUR POLICE STATION, RAMNAD DISTRICT.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No. 21559

ORDER
IN
CRL OP(MD) No.20358 of 2018
Date :14/11/2018

JM/VR MMS/SAR 2/19.11.2018/3P/6C