



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20981 of 2018

MAHALINGAM

... PETITIONER / ACCUSED NO.8

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
MADURAI CITY.
IN CRIME NO. 33 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.KARUNA 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 :-

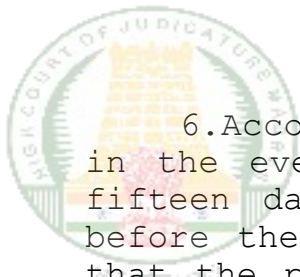
The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 463, 447 and 506(ii) of IPC in Cr.No.33 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with A1 to A7 trespassed into the defacto complainant's property and threatened him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he has not committed any offence as alleged by the prosecution and A1 to A7 were granted anticipatory bail in Crl.O.P.(MD).No.15891 of 2018 on 05.09.2018.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner along with A1 to A7 trespassed into the defacto complainant's property with an intention to grab the land.

5.Taking into consideration the facts of the case and the fact that the co-accused A1 to A7 were released on anticipatory bail, this Court is 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.I, Madurai, 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/-
27/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.KARUNA Advocate SR.No. 22151

ORDER
IN
CRL OP(MD) No.20981 of 2018
Date :27/11/2018