



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

Tuesday, the Eleventh day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.16273 of 2018

PERUMALSAMY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KADAMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CRIME NO.44 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.PRABU, Advocate

For Respondent : Mr.M.ANANTHA DEVI, Govt. Advocate (Crl. Side)

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

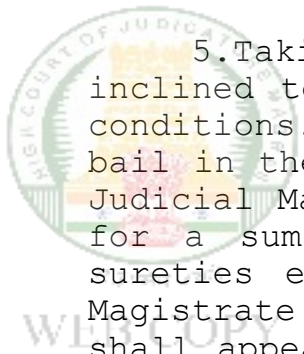
ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 454, 457, 380 and 427 I.P.C in Crime No.44 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 06.04.2018, the defacto complainant lodged a complaint, alleging that the petitioner and the defacto complainant are family members and the defacto complainant is the maternal uncle of the petitioner. The father and mother of the defacto complainant died in the year 1996 and 2004. His own sister namely, Mariammal died on 19.04.2015. After the death of the defacto complainant's parents, the petitioner illegally trespassed into the house of the defacto complainant on 15.12.2016, stolen the household articles and also demolished the entire house, worth about Rs.2,00,000/-. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner would submit that there is already a partition suit pending between the petitioner and the defacto complainant in O.S.No.19 of 2017 on the file of the learned Sub Court, Kovilpatti, Thoothukudi District. Therefore, due to civil dispute, this false complaint is foisted against the petitioner that too after two years.



5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Kovilpatti, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

11/09/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KADAMBUR POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.M.PRABU Advocate SR.No.17415

ORDER

IN

CRL OP(MD) No.16273 of 2018

Date :11/09/2018

MS/MMS/SAR-2/17.09.2018/2P.6C