

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

Tuesday, the Twenty Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4508 of 2019

1.K.RAJA MOHANA DHASS

2 R. HELDHA

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

(CRIME NO.127/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR. A. CHANDRAKUMAR 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 are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 448, 427, 294(b) and 506(i) of IPC in Cr.No.127 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners trespassed into the defacto complainant's land and caused damage to the said land with the help of JCB. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons.

4.The learned Government Advocate (Crl. Side) appearing for respondent submit that the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that there are no serious allegations against

the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are 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, Padmanabhapuram 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the first petitioner shall report before the respondent police daily at 10.30 a.m until further orders and the second 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;

(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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/03/2019
/ TRUE COPY /

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

TO

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

3.THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to MR. A. CHANDRAKUMAR Advocate SR.No.5533

ORDER
IN
CRL OP(MD) No.4508 of 2019
Date :26/03/2019

vsg

AE/VR/SAR-IV/28.03.2019/3P/6C



WEB COPY