

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7494 of 2019

1 JESU @ JEGANATHAN

2 SELVAM

3 ARUL

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

NATHAM POLICE STATION,

DINDIGUL DISTRICT.

CRIME NO.289 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.J.SATHIYARAJ, Advocate

For Respondent : Mr.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under Section 143 of I.P.C. and Section 3 of TNPPDL Act in Crime No.289 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and 15 others illegally entered into the Government Natham land and damaged the fencing. Thus, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He would further submit that the petitioners are willing to deposit the cost of damaged property.

4.The learned Government Advocate (Criminal Side) has no serious objection in granting anticipatory bail to the petitioners.

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

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that the petitioners

damaged the pathway which belongs to the *defacto* complainant. As of now the damaged articles are recovered by the investigation Officer. In the said circumstances, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some 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, Natham, Dindigul District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(I) Each of the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.289 of 2019 before the learned Judicial Magistrate, Natham, Dindigul District, without prejudice to their defence before the trial Court;

(ii) the petitioners as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(iii) the petitioners shall appear before the respondent Police daily 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-

29/05/2019

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TO

1. THE JUDICIAL MAGISTRATE, NATHAM,
DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.J.SATHIYARAJ Advocate SR.No.8889

ORDER
IN
CRL OP (MD) No.7494 of 2019
Date :29/05/2019

MS/VR/SAR-3/03.06.2019/3P.6C



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