



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9956 of 2019

M.Mohamed Siddiq Raja

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Vilakkuthoon Police Station,
Madurai.
Crime No.377 of 2019.

... Respondent/Complainant

For Petitioner : M/s.T.Lajapthi Roy, Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 377 of 2019 on the file of the Respondent police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 323, 324, 506 (ii) of IPC and 3(1) of TNPPDL Act, in Crime No. 377 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the property under dispute belongs to the Trust and the petitioner herein is the present Trustee. He further submitted that the former Trustee/Jahir Husain has leased out the property to the defacto complainant and subsequently, as per the compromise arrived between the Trust and the defacto complainant, the defacto complainant has received some amount and vacated the premises and thereafter, the Municipal Corporation has issued a notice to demolish a portion, accordingly, the Trust has demolished the said portion. But, the defacto complainant gave a false complaint only with an intention to get some more money and therefore, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor has fairly conceded that the defacto complainant had vacated the premises and the injured sustained only simple injury and was also discharged from the hospital. However, he opposed the petition.

5.Taking into consideration of the submission made by the learned Additional Public Prosecutor that already the defacto complainant has vacated the premises and also the fact that the Municipal Corporation has issued notice to the Trust to demolish the portion of the property and also the submission made by the learned counsel for the petitioner that only in pursuance of the said notice, the Trust has demolished only a portion of the property, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v)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].

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

sd/-

23/07/2019

/ TRUE COPY /



TO

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

+1. CC to M/S.T.LAJAPTHI ROY Advocate SR.No.12198

ORDER

IN

CRL OP (MD) No.9956 of 2019

Date :23/07/2019

MS/PN/SAR-3/26.07.2019/3P.6C