



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/02/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.2429 of 2020

1. T.Rajan
2. T.Rajkumar
3. T.Sutheesh
4. T.Thirumurugan @ Rajeeth ... Petitioners/Accused Nos.1 to 4

Vs

State Rep. by
The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
(Crime No.34/2020).

... Respondent/Complainant

For Petitioners : M/s.P.Muthuvijayapandian, Advocate.

For Respondent : Mrs.M.Ananthadevi, Government Advocate(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 34/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences under sections 427 and 506(ii) of I.P.C., in Crime No.34 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the defacto complainant is that the petitioners have demolished their ancestral house. The petitioners' counsel on the other hand states that the property in question was purchased by their father as early as on 20.11.1998 and that the revenue record stands in the name of the father. The petitioners' counsel would claim that the petitioners demolished their property and not that of the defacto complainant.



4. I am not in a position to go into the factual aspects now but the arrest of the petitioners is not warranted because the case against the petitioners rests on documentary evidences. If the petitioners had demolished the house belonging to the defacto complainant certainly that could be brought out in investigation by examining relevant records and the custodial interrogation of the petitioners is not warranted. The petitioners' counsel would also point out that both the petitioners as well as the defacto complainant are residing at Chennai and neither of them were residing in their ancestral house.

5. Taking note of all these aspects, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Tiruchendhur, Thoothukudi District, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. The petitioners 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/-

12/02/2020

/ TRUE COPY /

/ /2020

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

TO

1. THE JUDICIAL MAGISTRATE,
TIRUCHENDHUR, THOOTHUKUDI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.MUTHU VIJAYA PANDIAN, Advocate (SR-2926[I] dated 12/02/2020)

ORDER IN

CRL OP(MD) No.2429 of 2020

Date :12/02/2020

IAS

<https://hcservices.courts.gov.in/hcservices/> 12/02/2020 : 2P/6C