



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.13298 of 2017

WEB COPY

1 P. UKKIRAPANDI
2 MALARKODI
3 AJITHPANDI
4 MOONUSAMY
5 ICOURT

... PETITIONERS/ACCUSED 1 to 5

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
CHECKANURANI POLICE STATION,
MADURAI DISTRICT.
CR.NO.486 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.MOHAMED SHERBUDEEN Advocate

For Respondent : MR.C.RAMESH, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners/accused Nos.1 to 5, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 452, 379 and 506(ii) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.486 of 2017 on the file of the respondent Police, seek anticipatory bail.

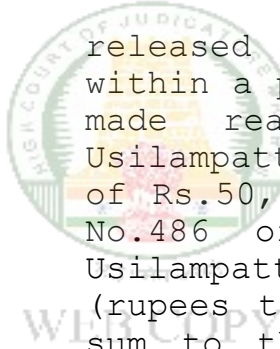
2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

3. The case of the prosecution is that due to civil dispute, the petitioners unlawfully entered into the defacto complainant's home and damaged the household articles worth about Rs.1,00,000/-.

4.The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they are innocent and they have been falsely implicated in this case.

5.The learned Additional Public Prosecutor submitted that investigation is yet to be completed and hence, he opposed for granting anticipatory bail.

6.Considering the facts and circumstances of the case and considering the gravity of offence said to have been committed by 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 their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, No.2, Usilampatti, on condition that the petitioners shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of Crime No.486 of 2017 before the learned Judicial Magistrate No.2, Usilampatti and they shall execute 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 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 shall report before the respondent Police, daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioners shall not abscond either during investigation or trial.

[d]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)**.

sd/-

28/09/2017

/ TRUE COPY /

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

TO

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

ORDER

IN

CRL OP(MD) No.13298 of 2017

Date :28/09/2017

PK/PM-PN/SAR-2/05.10.2017 : 2P/5C