



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

Thursday, the Twenty Second day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP (MD) No.11368 of 2014

WEB COPY

1 M. THANGARAJ
2 V. MURUGAN
3 N. MANOHAR
4 A. RAGAVENDRAN
5 P. HELAN MARY

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
NAVALPATTU POLICE STATION, TRICHY DT,
CRIME NO.94/2014

... RESPONDENT/COMPLAINANT

M.RAJENDRAN

... INTERVENER

For Petitioner : M/S.T.LAJAPATHI ROY Advocate

For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

For Intervener : MR.R.SUNDAR SRINIVASAN, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 427 I.P.C @ 447 I.P.C and Section 3(i) of TNPPDL Act in Crime No.94 of 2014 on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the intervenor strongly opposed for grant of anticipatory bail to the petitioners.

3. Heard the learned counsel for the petitioner, the learned counsel appearing for the intervenor and the learned Government Advocate (Crl.side) appearing for the State.

4. The case of the prosecution is that there is a serious dispute between the petitioners 2, 3 and 4 on one side and the defacto complainant on the other side with regard to the subject property.

5. It is admitted by both the parties that there are about eighteen suits in various Courts in respect of the said property. While so, on 18.05.2013, suddenly, a J.C.B was brought to the property and the compound wall was demolished. Therefore, the defacto complainant lodged a complaint before the respondent police and initially C.S.R.No.184 of 2013 was registered and no regular case was registered. Thereafter, on the direction of this Court, a case in Crime No.94 of 2014 on the file of Navalpattu Police Station, was registered under Section 427 I.P.C, on



26.03.2014. The learned counsel for the petitioners at the outset submits that there is a delay in registering the F.I.R.

6. I am unable to agree with the submission for the reason that the complaint has been given by the defacto complainant contemporaneously on 18.05.2013, but the respondent police had not registered regular case and therefore, the defacto complainant, cannot be faulted for this.

7. Further, the learned counsel for the petitioner brought to my notice the order passed by the Revenue Divisional Officer, wherein there is a reference to the effect that the defacto complainant has fabricated some of the documents with regard to the said property. Therefore, the learned counsel submitted that the defacto complainant has no right over the property and only on the direction of the Revenue Divisional Officer, demolition work was carried on. In this regard, he has also drew support from the F.I.R., wherein there is a reference that revenue officials were present during demolition.

8. A careful reading of the order of the Revenue Divisional Officer would show that the Revenue Divisional Officer has not given any direction for demolition of any compound wall. During the course of investigation by the police, it has come to light that Ragavendran(A-4), has made arrangements with the JCB owner for sending a JCB to the spot without number plates and along with revenue officials so that demolition could be effected under the clothing of official act. The Police Officer, who is present here also would say that Murugan and Manohar, who are the petitioners 2 and 3 herein were also available around the place of occurrence sitting in their car.

9. Since the allegations against the petitioners 2 to 4 are serious in respect of demolition of compound wall, I am not inclined to grant anticipatory bail to them. Hence, this Criminal Original Petition is dismissed in respect of the petitioners 2 to 4.

10. As regards the petitioners 1 and 5, the first petitioner Thangaraj is only a JCB Driver and working for wages and he had appeared before the police and co-operated with the investigation. Similarly, the fifth petitioner Helen Mary is a lady and she is said to be working in the Collectorate. She was also not present anywhere around the place of occurrence, I am inclined to grant anticipatory bail to them.

11. In the above said circumstances, I am inclined to grant anticipatory bail to the petitioners 1 and 5. Accordingly, the petitioners 1 and 5 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 No.III, Trichy, on condition that the petitioners 1 and 5 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 1 and 5 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 1 and 5 shall not tamper with evidence or witness either during investigation or trial.



[c] the petitioners 1 and 5 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 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]**.

Dismissed as against petitioners 2, 3 & 4.

sd/-

22/01/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TRICHY.
- 2 DO-THRO' THE CHEIF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
NAVALPATTU POLICE STATION, TRICHY DT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.3168

+1cc to Mr.R.SUNDAR SRINIVASAN, Advocate, SR.No.2866

ORDER

IN

CRL OP(MD) No.11368 of 2014

Date :22/01/2015

PA/28.01.15/3P/7C