



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

Friday, the Third day of July Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.12240 of 2015

1 ARUMUGAM
2 VAIRAMUTHU
3 MUTHUKUMAR

... PETITIONERS / ACCUSED 3 - 5

Vs

STATE REP BY:: THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION, MAMSAPURAM,
VIRUDHUNAGAR DT, CRIME NO.78/2015 ... RESPONDENT(S) / COMPLAINANT

For Petitioner : M/S.C.VAKEESWARAN Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

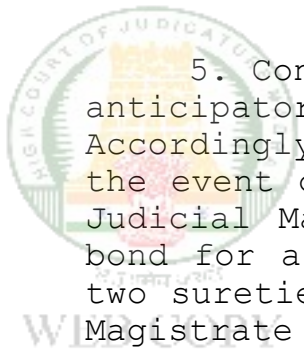
The petitioners, who are arrayed as accused Nos.3 to 5, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 506(i) of I.P.C. r/w. Sections 3 and 4 of TNPPDL Act in Crime No.78 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant, he is a lessee of the land in Survey No.557/4 which belongs to Nachiar Aandal Thirukovil and the accused have trespassed and removed the sand from the land.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the de-facto complainant is not cultivating the land continuously and only to escape from the cancellation of the lease, he has made a false complaint due to previous enmity. The learned counsel for the petitioners has also filed an affidavit of undertaking that hereinafter the petitioners will not enter into the temple land and remove the sand.

4. Per contra, the learned Government Advocate (Crl.side) submitted that the accused have entered into the temple land and removed the sand from there and the fifth accused is having one

previous case



5. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate No.II, Srivilliputhur 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 daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition 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 stands dismissed.

sd/-

03/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE
NO. II, SRIVILLIPUTHUR

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION, MAMSAPURAM,
VIRUDHUNAGAR DT,

1. CC to M/S.C.VAKEESWARAN Advocate SR.No.35751

DM 6 7 15

ORDER IN

CRL OP(MD) No.12240 of 2015

Date :03/07/2015

2P; 6C