



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

Friday, the Twenty Eighth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16083 of 2015

1 SUYAMBU  
2 MURUGAN  
3 VEERASAMY

... PETITIONERS / ACCUSED No.1 to 3

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE  
KODANGULAM POLICE STATION,  
RATHAPURAM TALUK,  
TIRUNELVELI DISTRICT,  
(CRIME NO 166 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

For Respondent : Govt. Advocate ( Crl. Side)

For Intervenor : Mr. Palanivelayutham, Advocate

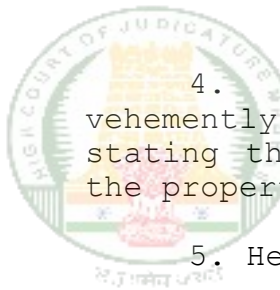
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 447, 434, 506(ii) of I.P.C., and Section 3(1) of TNPPDL Act in Crime No.166 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the prosecution, due to pathway dispute, the accused have damaged the fencing of the de-facto complainant worth about Rs.35,000/- and also threatened the de-facto complainant with dire consequences.

3. The learned counsel for the petitioners submitted that the accused have already filed a suit in O.S.No.195 of 2015 and in I.A.No.1303 of 2015, the Principal District Munsif, Valliyoor has granted injunction in favour of the accused on 27.07.2015, restraining the defendant from in any way preventing the accused from using the pathway either by closing the same or in any manner and the occurrence is said to have been taken place on 12.08.2015. The learned counsel for the petitioners further submitted that the entire allegations in the petitioners are ready to deposit Rs.10,000/- to the credit of Crime No.166 of 2015 without prejudice to their right in the criminal case.



4. Mr.Palanivelayutham, learned counsel for the intervenor vehemently opposed the granting of anticipatory bail to the petitioners stating that the accused have taken the law in their hands and damaged the property.

5. Heard the learned Government Advocate (Crl.side).

6. Considering the facts and circumstances of the case, 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, Vallioor, Tirunelveli 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.166 of 2015 before the learned Judicial Magistrate, Vallioor and the petitioners shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-  
28/08/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, VALLIOOR,
2. THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
3. THE INSPECTOR OF POLICE, KOODANGULAM POLICE STATION, RATHAPURAM TALUK, TIRUNELVELI DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1.CC to M/S.S.R.ANBARASU Advocate SR.No.49840

+1 cc TO Mr.S. Palanivelayutham, Advocate, SR.No.49924

ORDER  
IN  
CRL OP(MD) No.16083 of 2015  
Date :28/08/2015

2P/7C

AM/AAL-MPA/SAR-I/02.09.2015.