



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Fourteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19939 of 2015

WEB COPY

1 PRASANNA
2 SIVAPACKIAM
3 APPAN @ SUBRAMANI

..PETITIONER/ACCUSED 1 TO 3

Vs.

STATE REP.BY THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ALGSC, DINDIGUL.
CR.NO.57/2015.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VEKATESH, Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

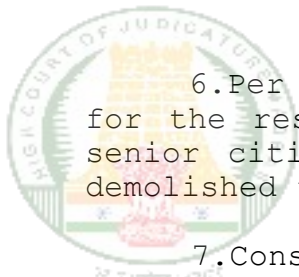
The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 120(b), 420, 465, 468, 294(b), 506(i) IPC and Section 3 of TNPPDL Act, in Crime No.57 of 2015 on the file of the respondent Police and hence, seek anticipatory bail.

2.According to the prosecution that a house was constructed in Survey No.395 to an extent of 4340 sq.ft. at Oddanchathiram Village belongs to the de facto complainant and about 7 years back, she has sifted her resident for taking treatment. During that time, the accused have demolished the building and also constructed a poultry form.

3.The learned counsel for the petitioners submitted that the 2nd petitioner is the mother of the 1st petitioner and the 3rd petitioner is the brother of the 2nd petitioner and the property in Survey No.395 is an extent of 1.18 acres and the entire land belongs to the ancestors of the petitioners 1 and 2.

4.It is further contended that the son of the de facto complainant namely., K.Shanmugavel lodged a similar complaint before the respondent Police on 18.12.2011 and the same was enquired by the respondent and closed the case on 07.04.2015. It is further submitted that one Palanisamy Gounder has filed a suit in O.S.No.244 of 2009 before the District Munsif, Oddanchathiram and one another person viz., K.Shanmugavelu filed a suit in O.S.No.18 of 2010 before the District Munsif, Oddanchathiram against the accused claiming right over the property and the suits are pending.

5.The learned counsel further submitted that the petitioners have filed a statement in the civil suits claiming absolute right over the property. Whiles, the de facto complainant has preferred the present complaint with the same allegations.



6.Per contra, the learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the de facto complainant is a senior citizen and when she was away from her house, the accused have demolished the old structure and constructed a poultry form.

7.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 arrest or on their appearance before the learned Judicial Magistrate No.II, Dindigul, and on each of them executing 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 learned Magistrate concerned and on further condition that the 1st petitioner shall appear before the respondent Police daily at 6.00 pm for a period of two weeks and thereafter as and when required and the petitioners 2 and 3 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.

8.The petitioners shall appear before the concerned Court 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/-

14/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,DINDIGUL

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

4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, ALGSC, DINDIGUL.

+1. CC to M/S.D.VENKATESH, Advocate SR.No.60952

ORDER IN

CRL OP(MD) No.19939 of 2015

Date :14/10/2015

PBK/NGM-SS/SAR-II 16/10/2015 ::2P-6C::