



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

Monday, the Thirtieth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22518 of 2015

1 SOWDAYA @ SOUNDAIYAN
2 SOUNDAR @ SOUNDARRAJAN
3 SELVAM @ TAMIL SELVAM

... PETITIONERS/ ACCUSED NO.1 TO 3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 514 OF 2015)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S D.SELVARAJ ADVOCATE
FOR RESPONDENT : MR.P.KANNI DEVAN GOVERNMENT ADVOCATE (CRL. SIDE)

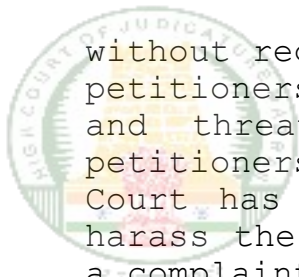
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 3, in Crime No.514 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 447, 427, 506 (ii) of IPC and hence, seek anticipatory bail.

2. The case of the petitioners is that the petitioners along with other accused persons entered into the defacto complainant's property and threatened him with dire consequences.

3. The case of the petitioners is that the petitioners and their family members are the owners of the property in Survey No.128/2A measuring to an extent of 1 acre and 25 cents situated at Chinnalapatti, Dindigul Taluk, Dindigul district. The said property is an ancestral property of the petitioners' family. While the matter stood thus, some unknown persons tried to take possession of the said property from the petitioners and others. Thereafter, on verification, it was found that some third party in collusion with land brokers obtained a compromise decree before the II Additional District Munsif Court, Dindigul. Hence, the petitioners and others filed O.S.No.620 of 2004 and the same is pending before the Court below. While so, one Dhandapani Started to disturb the possession and enjoyment of the petitioners. But the respondent police



without registering a case against the said person, is harassing the petitioners and others calling them to police station for enquiry and threatening them to vacate the property. Hence, the petitioners filed CrI.O.P(MD).No.21302 of 2015 and in which, this Court has passed an order directing the respondent police not to harass the petitioners. While so, the defacto complainant has given a complaint against the petitioners.

4. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are nothing to do with the alleged offence and they have been falsely implicated in this case.

5. The learned Government Advocate(CrI. Side) on instructions submitted that the petitioners and others trespassed into the property of the defacto complainant and threatened him with dire consequences. He further submitted that the investigation is pending.

6. From the materials, it is seen that there are some civil proceedings pending between the parties and this Court has also vide order, dated 24.11.2015 in CrI.O.P(MD)No.21302 of 2015, directed the respondent police not to harass the petitioners.

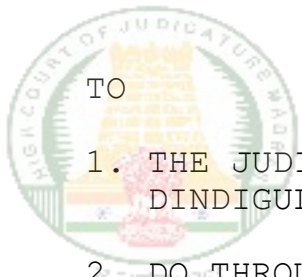
7. Considering the above said facts, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.III, Dindigul and 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 first petitioner shall appear before the respondent police as and when required for interrogation and the petitioners 2 and 3 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.

8.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/-
30/11/2015

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S D.SELVARAJ Advocate SR.No. 68225

ORDER

IN

CRL OP(MD) No.22518 of 2015

Date :30/11/2015

3P/6C

TE/NGM-SS/SAR-II : 01/12/2015