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

Wednesday, the Twenty Second day of April Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.4185 of 2015

1 BALUSAMY
2 SEVAKUMAR
3 KARUNANIDHI
4 CHITHAMBARAM
5 SAMIDURAI
6 CHELLAM
7 CHELLAKANNU
8 PICHAI ... PETITIONERS / ACCUSED 1 TO 8

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DIST, CR.NO.44/2015 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P. GANAPATHI SUBRAMANIAN Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)
For Intervenor : MR.C.KISHORE,ADVOCATE

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A8, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C in Crime No.44 of 2015 and hence, seek anticipatory bail.

2. The case of the prosecution is that the accused have stolen the paddy harvested by the defacto complainant in his land.

3.The learned counsel for the petitioners submitted that the petitioners are in possession and enjoyment of the property and it is Inam land and they have also approached the authorities for patta.

4.The learned counsel for the intervenor submitted that as per the decree in O.S.No.70 of 1938 and final decree application in I.A.No.68 of 1976, the land in dispute belongs to the defacto complainant. The defacto complainant was prevented by the accused from entering into the land on 7.10.2014, 10.10.2014 and 12.01.2015 and only thereafter, he lodged the complaint. It is further submitted that before in the Peace Committee Meeting convened by the Revenue Divisional Officer, it was decided that the defacto complainant can harvest paddy from the land in dispute, but the accused harvested paddy contrary to the decision.

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5.Heard the learned Government Advocate (Crl. Side) appearing for the State and also perused the entire materials available on record.

6. Considering the facts and circumstances of the case, I am inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Devakottai, 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 to 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. Further condition that, each petitioner shall deposit Rs.15,000/-(Rupees fifteen thousand only) without prejudice to their rights to the credit of Crime No. 44 of 2015 within a period of two weeks from the date on which the order copy made ready. The learned Judicial Magistrate, Devakkottai, shall invest the amount in any one of the nationalised banks till the disposal of the criminal case. 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/-
22/04/2015

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

TO
1.THE JUDICIAL MAGISTRATE,DEVAKOTTAI.

2.DO THRO THE CHIEF JUDICIAL MAGISTARATE, SIVAGANGAI.

3.THE SUB INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION, SIVAGANGAI DIST.

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

+1. CC to M/S.P. GANAPATHI SUBRAMANIAN Advocate SR.No.21070

+1cc to MR. C.KISHORE, ADVOCATE IN SR NO.20998

ORDER
IN
CRL OP(MD) No.4185 of 2015
Date :22/04/2015

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