



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

Thursday, the Twenty Sixth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP (MD) No.5422 of 2015

WEB COPY

1 SUGUMARAN
2 SUJAYAI
3 SUBBASH
4 STAR JAYALET

... PETITIONERS/ACCUSED NO.1 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DT,
CRIME NO.151/2015

... RESPONDENT/COMPLAINANT

MAHESWARI

... INTERVENOR

For Petitioner : M/S.S.PALANIVELAYUTHAM Advocate
For Respondent : P.KANDASAMY, Govt. Advocate (Crl. Side)

For Intervenor : MR.M.DENNIS JOE, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 506(ii) IPC and Section 3(1) of TNPPDL Act in Crime No.151 of 2015 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners, the learned counsel for the intervenor and the learned Government Advocate (Criminal side) for the respondent.

3. It is the case of the prosecution that the *defacto* complainant is the owner of the disputed property in question, which the petitioners tried to grab. In this regard, two First Information Reports are pending against the petitioners in Crime Nos.34 of 2014 and 14 of 2015 for land grabbing. Admittedly, the disputed property is the land in Survey No.574/7 and 580/2 measuring about 43 cents in VNR Village. This property is now in the possession of the *defacto* complainant. While so, it is alleged by the *defacto* complainant that these petitioners had damaged the compound wall of the said property.

4. According to the learned counsel for the petitioners, the said compound wall was built by the petitioners and, therefore, they had every right to demolish the same.

5. It is seen that the property is in the possession of the *defacto* complainant and the electricity meter of the *defacto* complainant has also been broken.



6. The learned counsel for the petitioners submits that already the first petitioner was arrested in the earlier case and was released on bail in Crime No.34 of 2014.

7. This Court does not want to be harsh to the petitioners by dismissing the anticipatory bail application and it will serve the interest of justice, if the petitioners are directed to deposit some amount, while granting anticipatory bail.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Padmanabapuram, Kanyakumari District, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.151 of 2015, before the learned Judicial Magistrate, Padmanabapuram, Kanyakumari District, at the time of executing sureties, without prejudice to their defence in this case and the learned Magistrate shall accept the sureties only if the amount is deposited. On such deposit, the learned Magistrate concerned shall deposit the amount in a Fixed Deposit Account in any Nationalised Bank initially for one year and renewable periodically, so that, it fetches interest and take a decision with regard to the disposal of the same at the end of the case. Two weeks time is given for the petitioners to deposit the amount.

[b] the petitioners 1 to 3 shall report before the respondent police daily at 06.30 p.m., for a period of two weeks and thereafter, as and when required. The fourth petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioners 1 to 3 are complying with the order or not.

sd/-
26/03/2015

/ TRUE COPY /



WEB COPY

- 1 THE JUDICIAL MAGISTRATE,
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION, KANYAKUMARI DT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.PALANIVELAYUTHAM Advocate SR.No.15499
+1. CC to M/S.M.DENNIS JOE, Advocate SR.No.14849

ORDER
IN
CRL OP(MD) No.5422 of 2015
Date :26/03/2015

PA/30.03.2015/3P/7C