



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

Thursday, the Ninth day of April Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.5429 of 2015

WEB COPY

1 ARULSELVAN
2 MAYAVAN
3 MALLIGA
4 KRISHNAN
5 KRISHNAN
6 ARUMUGAM
7 MAHESH @ MAHESWARAN
8 ARUMUGAM
9 GANESAN
10 PALANISAMY ... PETITIONERS/ACCUSED 1 TO 10

G.JANARTHANAN ... INTERVENER

Vs

STATE REP BY
THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT
CRIME NO.143/2015 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MR.K.V.RAJARAJAN,
Govt. Advocate (Crl. Side)

For Intervenor : MR.D.SHANMUGA RAJA SETHUPATHI, Advocate

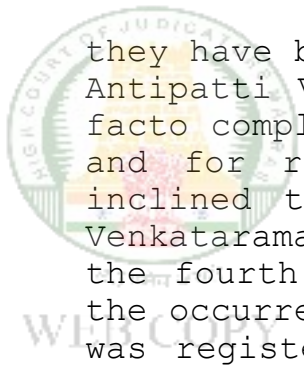
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 10, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 324 and 506(ii) of I.P.C. in Crime No.143 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that on 12.03.2015, when the *de-facto* complainant along with the others were picking coconuts, the petitioners trespassed into the property and assaulted the *de-facto* complainant stating that they have succeeded in the civil case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence and



they have been in possession of the property in Survey No.254/1CP at Antipatti Village. It is further contended that the son of the de-facto complainant filed a suit in O.S.No.124 of 2013 for declaration and for recovery of possession. Since the civil Court was not inclined to grant interim injunction, the plaintiff viz., Ashwin Venkataraman along with 25 other persons entered into the garden of the fourth petitioner and assaulted the petitioners. In respect of the occurrence, the petitioners have lodged a complaint and the same was registered in Crime No.144 of 2015 under Sections 147, 294(b) and 323, 324 and 506(ii) of I.P.C.

4. Per contra, Mr. Shanmuga Raja Sethupathi, the learned counsel for the intervenor submitted that the land belonging to the de-facto complainant was acquired by the Government under Land Ceiling Act and the surplus land was allotted to the father of the petitioners 4 and 5 and by a lease deed dated 26.05.1997, the original assignee viz., Karupiha Gounder has leased out the property to the de-facto complainant for a period of 30 years. Since then the de-facto complainant has been in possession and enjoyment of the property. While so, the accused have attempted to interfere with the possession and also stolen the articles of the de-facto complainant for which cases were registered against them in Crime Nos.162 of 2014, 490 of 2014 and 550 of 2014. The petitioners have obtained anticipatory bail in the criminal cases and by misusing the liberty given to the petitioners, they have committed very same offence. It is further submitted that the de-facto complainant has filed a petition before this Court seeking police protection and that was also granted by this Court in CrI.O.P.(MD).No.15613 of 2014 on 20.10.2014. Despite the order in favour of the de-facto complainant, some of the accused have attacked him.

5. The learned Government Advocate (CrI.side) submitted that there is a civil dispute is pending between the petitioners and the de-facto complainant and the de-facto complainant was attacked with wooden stick and he was discharged from the hospital.

6. Considering the fact that the civil suit is pending between the parties and the nature of allegations made against the petitioners, 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, Palani 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 petitioners shall appear before the respondent police daily at 10.00 a.m. and 5.00 p.m. until further orders. 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/-

09/04/2015



Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, PALANI

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

3 THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.17936

ORDER

IN

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Date :09/04/2015

NA/16/04/2015/P2/6C