



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

Wednesday, the Thirty First day of August Two Thousand Sixteen

PRESENT

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

WEB COPY

CRL MP (MD) No.7405 of 2016
IN
CRL OP (MD) No.11100 of 2016

SINGARAVELU @ SINGARAJ,

... PETITIONER/
DEFACTO COMPLAINANT

Vs

1 AMANULLAH
2 THANGAIAH , S/O KANNIAH GOUNDER
3 THANGAIAH
S/O MUTHUSAMY,

... RESPONDENTS/PETITIONERS

4 THE STATE REPRESENTED BY
INSPECTOR OF POLICE
KOMBAI POLICE STATION,
KOMBAI, UTHAMAPALAYAM TALUK,
THENI DISTRICT
CR. NO. 120 OF 2016

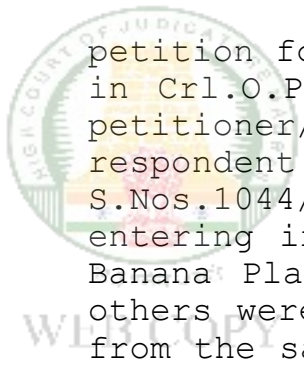
... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the bail granted to the respondents 1 to 3 by order dated 05.07.2016 in Crl OP(MD) NO. 11100 of 2016 and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S R.SURIYA NARAYANAN, Advocate for the petitioner and of MR.P.KANNITHEVAN, Government Advocate(Crl.Side) for the Respondent No.4 and MR.R.SARAVANAN, Advocate for R1 to R3 and the court made the following order:-

This petition has been filed praying to cancel the anticipatory bail granted in favour of the respondents 1 to 3 by this Court, vide order dated 05.07.2016, made in Crl.O.P(MD)No.11100 of 2016.

2.The respondents 1 to 3 herein as petitioners have filed Crl.O.P(MD)No. 11100 of 2016 for anticipatory bail in Crime No.120 of 2016 on the file of the respondent police registered under Sections 447, 427, 294(b) and 506(ii) IPC, and this Court after considering the case of the respondents 1 to 3/petitioners in Crl.O.P(MD)No.11100 of 2016 , granted anticipatory bail to them, vide order dated 05.07.2016. Now the petitioner herein, who is the de facto complainant in the case, has come up with the present



petition for cancellation of anticipatory bail granted on 05.07.2016 in CrI.O.P(MD)No.11100 of 2016. According to the petitioner, the petitioner/de facto complainant lodged a complaint with the fourth respondent that he is the cultivating tenant in respect of land of S.Nos.1044/2, 1045/2 and 1055/2 measuring 7 acres and 3 cents by entering into a lease agreement with the owner. He has cultivated Banana Plants and other plantations. The respondents 1 to 3 and others were trying to dispose the petitioner/ de facto complainant from the said land with the help of rowdy elements. On 31.05.2016, the respondents 1 to 3 came to the land in question with rowdy elements and destroyed the Banala plants ripe for cutting worth Rs.10,00,000/- and pipelines and bore-well worth Rs.3,00,000/-. The respondents 1 to 3 deliberately and fraudulently did not mention the charges under Sections 3 and 4 of TNPPDL Act, 1992 and by suppression obtained anticipatory bail. After the order of this Court, the respondents 1 to 3, who are influential persons, are threatening the petitioner/ de facto complainant. Therefore, prayed for cancellation of anticipatory bail.

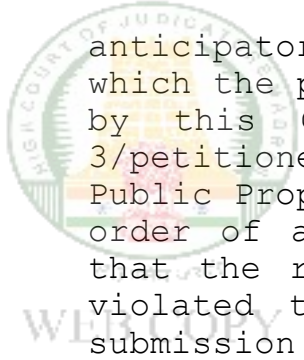
3.The learned counsel appearing for the respondents 1 to 3/petitioners filed a counter affidavit and submitted that once the anticipatory bail granted, can be cancelled, when the Court failed to consider the gravity of offence, prima facie case and quantum of punishment, if convicted, failure to comply with the condition by the accused and the accused tried to tamper with evidence or witness either during investigation or trial and this Court after considering all the above facts, granted anticipatory bail in favour of the respondents 1 to 3/petitioners. Omission of the offences under TNPPDL Act is not willful and this Court after considering the facts and circumstances of the case, directed the petitioners to deposit a sum of Rs.25,000/- each towards the damage caused. He further submitted that the petitioners tender unconditional apology for the mistake committed before this Court.

4.The learned Government Advocate (Criminal side) submitted that investigation is pending and the petitioners are complying with the condition imposed by this Court by appearing before respondent police.

5.Heard the rival submissions.

6.It is seen from the FIR that the same was registered on 09.06.2016 in Crime No.120 of 2016 for the offences under Sections 147, 148, 294(b), 506(ii) IPC and Sections 3 and 4 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. This Court granted anticipatory bail in favour of the respondents 1 to 3 on 05.07.2016. The petitioner/de facto complainant has come up with the present petition on the ground that the respondents 1 to 3/petitioners fraudulently omitted the offences under the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and got an order of anticipatory bail.

7.This Court, after considering the submissions made on the side of the respondents 1 to 3 and the learned Government Advocate (Criminal side) and facts and circumstances of the case, granted



anticipatory bail to the respondents 1 to 3. The sole ground on which the petitioner seeks cancellation of anticipatory bail granted by this Court on 05.07.2016, is that the respondents 1 to 3/petitioners fraudulently omitted the offences under the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and got an order of anticipatory bail. It is not the case of the petitioner that the respondents 1 to 3 did not comply with the condition or violated the condition imposed by this Court. In view of the submission made by the learned Government Advocate (Criminal side) that investigation is pending, it is for the fourth respondent police to proceed further in the case as per law. The order dated 05.07.2016 in CrI.O.P(MD)No.11100 of 2016 granting anticipatory bail to the respondents 1 to 3 will not be an impediment for the fourth respondent police to proceed further with for the offences mentioned in Crime No.120 of 2016.

8.With the above observations, this petition is disposed of.

sd/-
31/08/2016

/ TRUE COPY /

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

SMN
TO

- 1 THE JUDICIAL MAGISTRATE, BODI
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT
 - 3 THE INSPECTOR OF POLICE,
KOMBAI POLICE STATION, KOMBAI,
UTHAMAPALAYAM TALUK, THENI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S R.SARAVANAN, Advocate SR.No.48767
- CSL/AAL/MPA/SAR-III-9.9.16-3P-6C

ORDER
IN
CRL MP (MD) No.7405 of 2016
IN
CRL OP (MD) No.11100 of 2016
Date :31/08/2016