



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

CRL OP(MD) No.14156 of 2016

1 JAISINGH
2 BEAULAH
3 DAMODARAN SELVARAJ
4 ROBIN CHANDRAKUMAR

... PETITIONERS/ACCUSED No.1,2,4,5

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
KODAIKANAL,
DINDIGUL DISTRICT.
CR. NO.327/2016

... RESPONDENT/COMPLAINANT

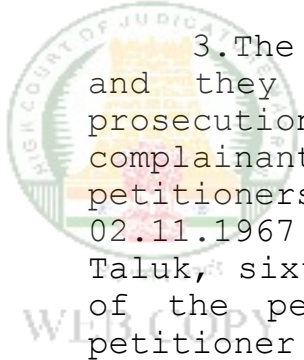
FOR PETITIONERS : M/S N.SATHISH BABU, ADVOCATE
FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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.1,2,4 and 5 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 446, 427, 506(i) and 379 IPC, in Crime No.327 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the property in question is originally belonged to one Mariammal, paternal aunt of the de facto complainant. The de facto complainant was residing in the said house for the past eight years along with her family members and she is maintaining the same. On 10.07.2016, she admitted her daughter in Trichy for studying Quran and went to her mother-in-law's house at Chennai to get the Will relating to the house and came back to Kodaikanal on 12.07.2016. At that time, she found that her house was demolished, all the household articles were thrown on the road and all the original school certificates of her daughter and de facto complainant, gold jewels kept for her daughter's marriage and a sum of Rs.1,25,000/- were found missing. The petitioners and other accused persons abused her in filthy language, threatened her with dire consequences and also threatened to kill her. On complaint, a case has been registered for the above said offences.



3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. There is no incident as alleged by the de facto complainant had occurred. One V.Muthumanickam, father of the petitioners 1, 2 and 4 assigned land, vide proceedings dated 02.11.1967 in Survey No.1125/7 of Vilpatti Village, Kodaikanal Taluk, sixteen years ago. From the date of assignment, the father of the petitioners 1,2 and 4 and father-in-law of the fourth petitioner were living in the property with their family members and cultivating the land. One Mariammal tried to get patta for a portion of the land and her request was rejected by the authority. The said Mariammal tried to interfere with the peaceful possession of the petitioner and the petitioners filed O.S.No.207 of 2013 against the said Mariammal, on the file of the District Munsif cum Judicial Magistrate's Court, Kodaikanal for the relief of permanent injunction. The said Mariammal did not contest the suit. The said suit was decreed on 07.12.2015. The said Mariammal filed collusive suit in O.S.No.48 of 2013 against one Fathima Ragila and obtained an order of interim injunction against her. At no point of time, the de facto complainant and Mariammal were in possession of the property in question and they do not have any title over the property. The de facto complainant has given a false complaint.

4.The learned counsel for the petitioners filed a typeset of papers and also referred to the assignment, patta proceedings, the Judgment and decree passed by the learned District Munsif cum Judicial Magistrate, Kodaikanal and the interim order passed in the civil proceedings.

5.The learned Government Advocate (Criminal side) submitted that the de facto complainant is the owner of the property in question and on the complaint given by her, a case has been registered and investigation is pending.

6.The de facto complainant has given a complaint against the petitioners. The petitioners are claiming to be the owners of the property in question. Investigation is pending. Considering the fact that the suit filed by the petitioners is decreed, custodial interrogation of the petitioners is not required and therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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, Kodaikanal, on condition that each of the petitioners shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.

- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.



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(iii) the petitioners shall not abscond either during investigation or trial.

(iv) 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
31/08/2016

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

TO

1. THE JUDICIAL MAGISTRATE, KODAIKANAL.
 2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 3. THE SUB INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION, KODAIKANAL,
DINDIGUL DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S N.SATHISH BABU Advocate SR.No. 48714

ORDER
IN
CRL OP(MD) No.14156 of 2016
Date : 31/08/2016

SMN
TE/GSV-PM/SAR-III : 02/09/2016 : 3P/6C