



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

Wednesday, the Thirtieth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11268 of 2017

1 V.SARAVANAN
2 K.CHELLAMUTHU
3 R.LAKSHMANAN
4 P.SHANMUGAM
5 N.CHELLAPPAGOUNDAR
6 A.PUSHPA
7 N.AYYAVU
8 A.TAMILSELVAN
9 A.SAYED IBRAHIM
10 M.MARUTHAIYAPPAN
11 S.MUTHUSAMY
12 S.SAYED YUSUF
13 P.PONNUCHAMY
14 K.K.VADIVEL

... PETITIONERS / ACCUSED 1 to 14

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
EDAIYAKOTTAI POLICE STATION, ODDANCHATRAM TALUK,
DINDIGUL DISTRICT,
CRIME NO.80/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.R.SURESHKUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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 offence punishable under Sections 147, 465, 466, 467, 468, 120(B), 447, 294(b) and 506(ii) of IPC in Crime No.80 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that in respect of an undivided ancestral property, there was a dispute arose between the de facto complainant and the 1st petitioner herein and due to the same, all the accused are said to have trespassed into the property in question and threatened the de facto complainant with dire consequences.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that a suit was filed by the de facto complainant in O.S.No.34 of 2007 before the Fast Track Court, Dindigul and it was dismissed on 05.01.2010. He also submitted that petitioners 3 to 14 are tenants of the first petitioner's property by way of a rental agreement and they are running business in the said shops and also residing in the first petitioner's property. He further submitted that no such occurrence has taken place as alleged by the de facto complainant.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 14 named accused, who are petitioners herein and they are arrayed as A1 to A14 respectively. He also submitted that investigation is still pending.

5.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Oddanchatram on condition that 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 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 report before the respondent Police weekly once ie., on every Sunday at 10.30 a.m. until further orders.

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

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

[d]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).

sd/-

30/08/2017

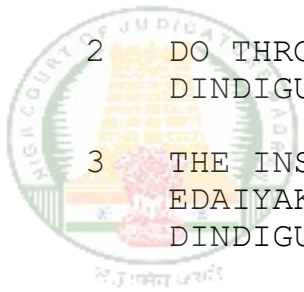
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,

<https://hcservices.ecourts.gov.in/hcservices/>
ODDANCHATRAM.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
EDAIYAKOTTAI POLICE STATION, ODDANCHATRAM TALUK,
DINDIGUL DISTRICT.

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

+1. CC to M/S.S.R.SURESHKUMAR Advocate SR.No.29605

ORDER

IN

CRL OP(MD) No.11268 of 2017

Date :30/08/2017

MKV-PN-SAR 2/08.09.2017/3P-6C