



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

Tuesday, the Nineteenth day of September Two Thousand Seventeen

PRESENT

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

WEB COPY

CRL OP(MD) No.12086 of 2017

1 MURUGESAN
2 RAJENDRAN
3 BALAKRISHNAN
4 THANGAM
5 P.GOVINDAN
6 LAKSHMI
7 DHARMAR

... PETITIONERS/ACCUSED NO.1 to 7

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
DINDIGUL TOWN (SOUTH) POLICE STATION,
DINDIGUL DISTRICT,
CRIME NO.381 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.SENTHILKUMAR Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

For Intervener : M/S.P.BANUPRASATH, Advocate

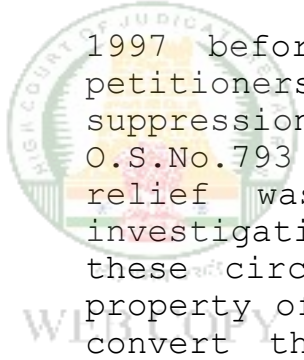
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 294 (b), 427, 323 and 506(ii) of IPC in Crime No. 381 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that there was a land dispute between the defacto complainant and the petitioners/accused herein. The defacto complainant has got order in the civil suit and he is in possession of the disputed property. The petitioners/accused are said to have trespassed into the suit property and caused damage to the pillar stone and wires, worth about 1,50,000/- . Thereafter, seven pillar stones were damaged, worth about Rs.7,000/- .

<https://hcservices.court.gov.in/hcservices> 2. The learned counsel for the petitioners submitted that the petitioners have nothing to do as alleged in the complaint. He further submitted that one Pappammal filed a suit in O.S.No.17 of



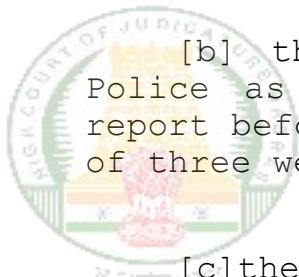
1997 before the District Munsif Court, Dindigul against these petitioners and the same was dismissed and subsequently on the suppression of earlier the defacto complainant filed another suit in O.S.No.793 of 2014 with I.A.No.838 of 2014 which filed for interim relief was dismissed by the Civil Court on 15.12.2016 and investigation is pending in this case. He further submitted that in these circumstances, with intent to enter in the possession of property of these petitioners, the defacto complainant has tried to convert the same into Criminal case with the frivolous facts. However, the learned counsel for the petitioners agrees to deposit the alleged loss of Rs.5000/- (Rupees five thousand only) each to the credit of the Crime No.381 of 2017, without prejudice his contention in this criminal case.

4.The learned Additional Public Prosecutor appearing for the respondent Police ,on instruction, would submit that totally there are 7 accused in this case and the petitioners herein are arrayed as A1 to A7 respectively. There was a land dispute between the defacto complainant and the petitioners/accused herein, due to that, the petitioners/accused are said to have trespassed into the suit property of the defacto complainant and caused damages to the pillar stone and wires, worth about 1,50,000/- . Thereafter, seven pillar stones were damaged, worth about Rs.7,000/- and investigation is still pending.

5.The learned counsel for the intervener states that the defacto complainant obtained order from the concerned Civil Court and he is in possession of the disputed property and the petitioners/accused had damaged the house, pillar stones worth about Rs.1,57,000/-. The learned Additional Public Prosecutor appearing for the respondent reiterate the same contention registered by the respondent police herein.

6.Considering the facts and circumstances of the case and considering the fact that no one sustained injury in this occurrence. 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 No.III, Dindigul 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 have to deposit a sum of Rs.5000/- (Rupees five thousand only) each to the credit of the Crime No.381 of 2017 on the file of the Judicial Magistrate No.III, Dindigul.



[b] the 6th petitioner/A6 shall report before the respondent Police as and when required and other petitioners/accused shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter as and when required.

[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)**.

sd/-
19/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL
 - 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
 - 3 THE INSPECTOR OF POLICE,
DINDIGUL TOWN (SOUTH) POLICE STATION, DINDIGUL DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.BANUPRASATH, Advocate SR.No.30993

ORDER
IN
CRL OP(MD) No.12086 of 2017
Date :19/09/2017

PK/CM-MSA/SAR-1/21.09.2017 : 3P/6C