



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

Wednesday, the First day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14178 of 2017

1 ASMATHTHUULLA
2 MANGALANATHADURAI
3 JEGANPRSATH
4 SATHAMHUSSIN
5 MURUGAN @ SEMPULI

... PETITIONERS / ACCUSED 1 to 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
CRIME NO.505/2017

... COMPLAINANT / RESPONDENT

SYED AHAMED

... PETITIONER / DEFACTO COMPLAINANT

For Petitioners : MR.CHELLAPANDIAN Senior counsel for
M/S.D.BALAMURUGAPANDI Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Cr1. Side)

For Intervenor : MR.RM.ARUN SWAMINATHAN 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 5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 506(ii) of IPC and Section 3 of PPDL Act, in Crime No.505 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that admittedly there was a civil dispute pending between the petitioners and the defacto complainant. There was an earlier case filed by the defacto complainant against the petitioners and same is pending for trial. Again the petitioners disturbed the possession of the property of the defacto complainant by demolishing tin sheet, thereby, a huge loss was occurred for the petitioner. Accordingly, he lodged a complaint before the respondent police.

3. The learned Senior counsel appearing for the petitioners would submit that there was a civil dispute between the defacto



complainant and the petitioners. No injunction was granted against the petitioners. He further submit that there was a crime case pending against him, but the present case foisted against the petitioner is false one. If at all the defacto complainant is aggrieved, he can exhaust his remedy in the manner known to law.

4. The learned counsel for the intervenor would submit that the defacto complainant already filed a writ petition before this Court against the petitioners for their illegal Act. This Court also granted interim injunction restraining the petitioner to interfere with the peaceful possession and enjoyment of the defacto complainant's property. Thereafter, the petitioner repeatedly disturbed the possession of the defacto complainant's property against the injunction passed by this Court. Hence, the defacto complainant lodged a complaint against the petitioners. The petitioners filed another complaint before the respondent police.

5. The learned Government Advocate (Criminal side) appearing for the State would submit that he did not dispute the facts and that admittedly there was a civil dispute between the petitioners and defacto complainant.

6. Considering the facts and circumstances of the case, I am 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, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.1, Ramanathapuram, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), to the credit of Cr.No.505 of 2017, before the learned Judicial Magistrate No.1, Ramanathapuram, Ramanathapuram District, without prejudice to their defence before the Trial Court.
- (ii) the petitioners shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of four weeks;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioners shall not commit any offence while on bail;
- (vi) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
01/11/2017

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.33683

ORDER
IN
CRL OP(MD) No.14178 of 2017
Date :01/11/2017

MS-PM-PN-SAR 1/14.11.2017/3P-6C