



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

Monday, the Sixth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.14190 & 14201 of 2017
and
CRL MP(MD)NOs.9811 & 9812 of 2017

1 K.DHARMARAJ,
2 K.SAKTHI,

... PETITIONERS/ACCUSED No.2 & 3
in CRL OP(MD) No.14190 of 2017
and CRL MP(MD)NO.9811 of 2017

1 V.KOTTUDURAI
2 K.MUNEESWARAN
3 A.SANTRU
4 P.MURUGESAN

... PETITIONERS/ACCUSED No.4 to 6
in CRL OP(MD) No.14201 of 2017
and CRL MP(MD)NO.9812 of 2017

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.223 OF 2017)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

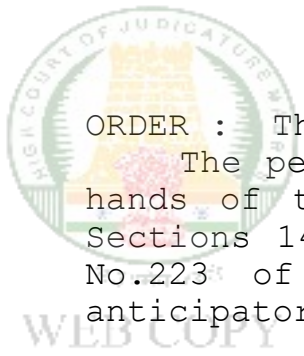
For Petitioner : M/S.K.RAMANATHAN Advocate in
CRL OP(MD) No.14190 of 2017
and CRL MP(MD)NO.9811 of 2017

For Petitioner : MR.V.K.SARAVANAN Advocate in
CRL OP(MD) No.14201 of 2017
and CRL MP(MD)NO.9812 of 2017

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

For Intervenor : MR.S.MUTHUKUMAR, Advocate
IN BOTH THE PETITIONS

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



ORDER : The Court Made the following order :-

The petitioners/A1,A2,A3,A4,A5andA6 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294 (b), 323, 427, 447 and 506(i) of I.P.C, in Crime No.223 of 2017, on the file of the respondent police, seek anticipatory bail.

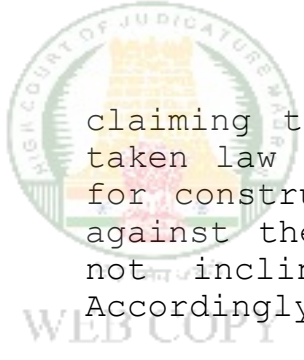
2.The case of the prosecution is that when the defacto complainant working as a school teacher purchased 5 cents from one Thavamani and Govinda Kannan who are the previous owners of the property. Immediately after the purchase, the patta was transferred in favour of the defacto complainant. The defacto complainant has also proceeded to construct a house thereon. Against which the the villagers of Pudukudi through the petitioners and others approached the revenue authorities for mutation of revenue records and the petitioners filed a suit in O.S.No.63 of 2016 on the file of the District Munsif Court, Thiruvadanai, for declaration and for permanent injunction to declare that the sale deed executed by Thavamani and Govinda Kannan against the defacto complainant is null and void. However, there was no injunction in favour of these petitioners. Even, in the absence of injunction, these petitioners taken law in their own hands to prevent the defacto complainant to construct a building in the property. Aggrieved by the same, the defacto complainant filed a complaint before the respondent police for taking action against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are the members of Fishers Association, Pudukudi Group and the land purchased by the defacto complainant is belonging to the said association which was originally in the name of Chellakannu who is the father of Thavamani and Govinda Kannan. Aggrieved over the said purchase of the land by the defacto complainant, they have also filed a suit in O.S.No.63 of 2016 which is still pending. Thereafter, they have also applied for mutation of revenue records.

4.The learned counsel appearing for the intervenor would submit that the earlier owner namely, one Chellakannu filed a suit with an intention to grab his property which was ended in compromise. He would further submit that while pending the suit, the defacto complainant started construction. However, the learned counsel appearing for the petitioners fairly conceded that there was no prohibitory order against the defacto complainant for construction of house.

5.The learned Government Advocate (Crl.Side) appearing for the State submits that based on the complaint given by the defacto complainant, a case was registered against the petitioners. He would further submit that the investigation is still pending.

6.Admittedly, there is no prohibitory order either from the Court or from the revenue authorities. However, these petitioners



claiming to be the members of Fishers Association Pudukudi group taken law in their own hands and prevented the defacto complainant for constructing his own property showing their high handed action against the defacto complainant. In such view of the matter, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, these criminal original petitions are dismissed.

sd/-
06/11/2017

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

TO

1 THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.S.MUTHUKUMAR Advocate SR.No.33881

ORDER
IN
CRL OP(MD) Nos.14190 & 14201 of 2017
and CRL MP(MD)NOS.9811 &
9812 of 2017

Date :06/11/2017

SH/PM-PN/SAR-2/20.11.2017:3P/4c