



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

Wednesday, the Thirteenth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17130 of 2017

1 SENBAGARAJ

2 MARIYA ANANDARAJ

3 MUTHUKARUPPAN

... PETITIONER/ACCUSED

Vs

THE INSPECTOR OF POLICE
THIRUVERUMBUR POLICE STATION,
TRICHY DISTRICT.
CRIME NO.809/2017

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.MUTHUKRISHNAN Advocate

For Respondent : Mr.M.MURUGAN, Government Advocate (Crl.side)

For Intervenor : Mr.JEGADEES PANDIAN, 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 apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b) and 506(i) of IPC, in Crime No.809 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners trespassed into the defacto complainant's property and gave a life threat against the defacto complainant, thereby, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. The petitioners have purchased the property from the defacto complainant's father and they are in possession in the year 2014. If the de-facto complainant has any grievance, he has to approach the Civil Court for remedy and filed a complaint before the respondent police does not arise. Hence, he prayed for anticipatory bail.

4. The learned counsel appearing for the intervenor would submit that the dispute property belongs to the part of the de-facto complainant's father and the defacto complainant possessed the property in the year 1991.



5. The learned Government Advocate (Criminal side) appearing for the State would submit that since the defacto complainant filed a complaint against the petitioners, accordingly, the respondent police registered a case in Crime No.809 of 2017.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioners. On perusal of the complaint, dispute between the parties only based on the property. The defacto complainant is directed to work out his remedy in the appropriate Civil Forum. 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy, 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 appear before the respondent police as and when required for interrogation;
- (ii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial;
- (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/-

13/12/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO VI
TRICHY

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
THIRUVERUMBUR POLICE STATION, TRICHY DISTRICT.

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

+1. CC to M/S.S.MUTHUKRISHNAN Advocate SR.No.36165

+1 CC to Mr.JAGADEES PANDIAN, Advocate SR.No.36307

ORDER

IN

CRL OP(MD) No.17130 of 2017

Date :13/12/2017

Is

SH/VR/SAR-4:18.12.2017:2P/7C