

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17519 of 2018

S.RAJENDRAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE
HARUR POLICE STATION,
DHARMAPURI DISTRICT
CR.NO.336 OF 2018.

[RESPONDENT]

For Petitioner : M/S.LAW VISION Advocate

For Respondent : MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.336 of 2018 registered by the respondent police for the offence under Sections 147, 447, 448 and 380 of IPC r/w Section 3(1) TNPPDL, Act.

2. The case of the prosecution as per the defacto complainant one Govindan@Govindaraj is that on 05.07.2018, the petitioner along with other accused trespassed into his property and caused damage to the crops worth of Rs.2,00,000/- and also taken away 3 sovereigns gold chain and cash of Rs.7,000/-.

3. The learned counsel for the petitioner would submit that he is the absolute owner of agricultural land to an extent of 2.34 acres, comprised in Survey Nos.45/4 and 45/8, situated at Boominatham Village, Veppampatti, Harur, Dharmapuri District and that he has purchased the said land from on Senthilkumar @ Kumar and Amutha vide Document No.4730/2016 dated 15.12.2016 and after the purchase of the said property, the petitioner had mutated all the revenue records into his name. He would submit that the defacto complainant, who is the adjacent land owner, continued to give hindrance to the neighbouring land owners, in order to curb his illegal act, the petitioner has filed civil suit in O.S.No.183 of 2010 before the District Munsif Court, Harur, which is pending till date. He would submit that the defacto complainant has also filed a civil suit against the petitioner in O.S.No.20 of 2014 before the District Munsif Court, Harur and the same was dismissed on 23.07.2014. He

would further submit that in order to give trouble to the petitioner and his family members, a false complaint has been given against them.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner had purchased the property belonging to the family members of the defacto complainant and that due to which, there was a dispute and that the allegation against the petitioner is that he along with other accused have trespassed into the house of the defacto complainant and caused damage to the articles in the house.

5. Taking into consideration the facts of the case and the submissions made by the counsel on either side and also taking note of the fact that the civil dispute pending between the parties, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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, Harur, Dharmapuri District, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(b) the petitioner shall report before the respondent police daily at 10.30.a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner is 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]**.

(f) If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

10/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
HARUR, DHARMAPURI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE
HARUR POLICE STATION,
DHARMAPURI DISTRICT

+1 CC to M/S.LAW VISION Advocate on payment of necessary charges SR.NO. 12696

CRL OP.17519/2018

Date :10/07/2018

RD 18/07/2018