



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

Monday, the Thirteenth day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) Nos.14346 and 14353 of 2018

1 P. KANAGARAJ
2 P. DURAIPANDI

... PETITIONERS/ACCUSED No.1 & 2
IN BOTH THE PETITIONS

Vs

STATE BY REP.BY ITS,
THE SUB INSPECTOR OF POLICE
VIRUDHUNAGAR BAZAAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CR NO. 283 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.14346/2018

IN CR NO. 282 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.14353/2018

For Petitioners : MR.S.LINGARASU, Advocate
IN BOTH THE PETITIONS

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor
IN BOTH THE PETITIONS

For Intervenor : MR.G.MARIAPPAN, 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 and A2 in both the petitions apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341 and 353 of I.P.C., in Crime Nos.283 of 2018 and 282 of 2018 respectively, seek anticipatory bail.

2.The case of the prosecution is that when the Court Amina went to the properties in question to execute the decree of civil Court, the petitioners scolded with filthy language against the Court Amina and also prevented him to do his official duty.



3.The learned counsel appearing for the petitioners submitted that as against the civil Court decree, second appeal is pending before this Court. Though second appeal was dismissed for default, subsequently, it was restored and it is pending.

4.The learned counsel appearing for the defacto complainant would submit that after the decree, the execution Court ordered delivery of possession as per order dated 20.07.2018, possession was handed over to the complainant and it was also recorded in E.P.Nos.10 and 11 of 2017 on the file of the District Munsif Court, Virudhunagar.

5.The learned Additional Public Prosecutor submitted that while executing the decree, the Amina was prevented to do his official duty and the investigation is still pending.

6.Considering the above facts and circumstances of the case and also it is confirmed that the defacto complainant had taken possession of the said properties from the petitioners, this Court is inclined to grant anticipatory bail to the petitioners in both the cases with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Virudhunagar and on each of them executing a bond in both the cases for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with common two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

13/08/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE
VIRUDHUNAGAR BAZAAR POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+2. CC to Mr.S.LINGARASU, Advocate SR.No.15499,15500

+1. CC to Mr.G.MARIAPPAN, Advocate SR.No.15472

ORDER

IN

CRL OP (MD) No.14346 and
14353 of 2018

Date :13/08/2018

PK/VR/SAR-4/21.08.2018 : 3P/8C