



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

Tuesday, the Thirteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20277 of 2018

1 KRISHNAN
S/O.SUBBURAMAN
2 KRISHNAN
S/O.SURULI GOUNDER
3 KARUPPUSAMY
4 ARUMUGAM
5 DHANDAPANI
6 SUBRAMANI

... PETITIONERS/ ACCUSED 1,3,4,5,7 & 10

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.232/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.D.VENKATESH Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 379(NP) and 506(ii) of IPC, in Crime No.232 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent stating that the owner of the defacto complainant who is having garden land in Survey Nos.701 and 254 with an extent of 69.99 acres at Andipatti Village. The defacto complainant is a supervisor for the said land. Regarding the said land, the landlord had obtained an order of injunction in I.A.NO.260 of 2013 in O.S.No.124 of 2013, dated 01.02.2016. Despite the same, on 24.03.2018, at about 12 noon, the petitioners along with others said to have been trespassed into the garden land and have taken away the tender coconuts and amla in a load van. When



the same was questioned by the defacto complainant, the accused scolded the defacto complainant with filthy language and threatened him with dire consequences.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged occurrence. He further submitted that there is a civil case between the land owner of the garden land and the petitioners and the Court below passed an order of injunction stating that though the plaintiff contended they are in possession over the entire 69.99 acres in Survey No.254, they have a valid document to prove their possession only to an extent of 30.34 acres. Therefore, the defacto complainant has given a complaint one after another by using the criminal case as a tool to circumvent the issue.

4. The learned Government Advocate (Crl.side) for the respondent police submitted that there are eight criminal cases pending with regard to the same issue. Now, 107 Cr.P.C proceedings has been initiated in Na.Ka.No.6309/2018/A7 by the Sub Collector, on 15.10.2018. He further submitted that already for the same cause of action a case was registered in Crime No.329 of 2018 on 29.10.2018, the first petitioner along with his mother and one Ravi @ Ravichandran, had approached this Court by way of anticipatory bail in Crl.O.P.(MD)No.19941 of 2018. During the pendency of the anticipatory bail petition, the first petitioner's mother was arrested. Hence, this Court granted anticipatory bail to the first petitioner and Ravi @ Ravichandran in that case.

5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Palani, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Judicial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions



have been imposed and the petitioners 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.

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sd/-
13/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PALANI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.D.VENKATESH Advocate SR.No.21444

ORDER
IN
CRL OP(MD) No.20277 of 2018
Date :13/11/2018

MS/MMS/SAR-1/15.11.2018/3P.6C