



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) No.20926 of 2018**

1 M. SUGUMARAN  
2 M. GOBU VEL  
3 SUKI @ SUDHENDRAN  
4 KUMAR  
5 BALAN @ BALASUBRAMANIAN ... PETITIONERS / ACCUSED No. 1 to 5

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE  
ANJUGRAMAM POLICE STATION,  
KANYAKUMARI DISTRICT.  
(CRIME NO. 312 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.ANAND Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Section 147, 148, 294(b), 427, 441 and 506(i) of IPC, in Cr.No.312 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners forcibly entered into the defacto complainant's property with their tractor and thereby caused damages and threatened the defacto complainant with dire consequences.

3.The learned counsel for the petitioner submits that the petitioners are tenants with Thirupanandal Kasi mutt. When the petitioners have failed to pay the rent Revenue proceedings was initiated and Revenue Officers ordered against the petitioners. Against which the petitioners had filed W.P.(MD).Nos.2111, 2286 & 2287 of 2018 before this Court and this Court in the writ petitions by order dated 05.02.2018 had stayed the order of the Revenue Court. And also the other respondents namely mutt and the defacto complainant herein and others have been restrained from disturbing the petitioners' agricultural operation in S.No.21, Alagappapuram Village, Agastheeswaram Taluk, Kanyakumari District. For the same



property the defacto complainant given a complaint on 19.11.2018 as the petitioners using their Tractor bearing TN 74 AL 9435 have forcibly entered into the land and caused damages to the plantain crops and other crops.

4.The defacto complainant had filed W.P.(MD).No.22513 of 2018 before this Court on 01.11.2018. In the said writ petition at Para 9 he had mentioned about the same tractor as it was used by the petitioners herein to cause damages to his field on 24.10.2018. It is also submitted that the first petitioner herein had given a complaint to the respondent on 24.10.2018 about the defacto complainant causing damage to the petitioners' property in the said survey number. Admittedly, there have been proceedings pending between the petitioners and defacto complainant with regard to the property in the same survey number.

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 No.III, Nagercoil, Kanniyakumari District 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, daily at 10.30 a.m. until further orders.

[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/Trial 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.

sd/-

27/11/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO III  
KANIYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE  
ANJUGRAMAM POLICE STATION,  
KANYAKUMARI DISTRICT.

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

+1. CC to MR.R.ANAND Advocate SR.No.22199

ORDER  
IN  
CRL OP(MD) No.20926 of 2018  
Date :27/11/2018

MSI/JC/SAR-II/03.12.2018-3P/6C