



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

Monday, the Eighteenth day of March Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

**CRL OP(MD) No.4055 of 2019**

1 LAKSHMANAN  
2 SURESH  
3 PANDI  
4 DURAIYAN @ PANDIDURAI  
5 SUNDARAM @ SUNDARAMOORTHY  
6 MURUGAN  
7 KARUVAYAN @ KARUPPANAN ... PETITIONERS / ACCUSED 1 to 7

Vs

THE STATE BY THE  
INSPECTOR OF POLICE  
ODDANCHATRAM POLICE STATION,  
DINDIGUL DISTRICT.  
CRIME NO.78 OF 2019 ... RESPONDENT / COMPLAINANT

For Petitioners : MR. D. VENKATESH Advocate

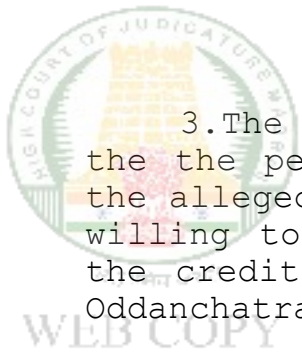
For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Government Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 147,447,427, 294(b), 506(i) of IPC , in Cr.No. 78 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners trespassed into the house of the defacto complainant and tried to encroach the defacto complainant's possession for which there was a dispute in between the defacto complainant and the petitioner for which the defacto complainant has filed a suit for bare injunction in O.S.No.407 of 2018, for which a complaint has been lodged against the petitioners. It is the further case that the petitioner has damaged the fence.



3.The learned counsel for the petitioners would submit that the the petitioners are innocent and they have nothing to do with the alleged offence. He would also submit that the petitioner is now willing to deposit Rs.10,000/- without prejudice to his rights to the credit in Crime No.78 of 2019 before the Judicial Magistrate, Oddanchatram.

4.The learned Government Advocate(Crl.Side) would submit that the investigation is pending.

5.Considering the facts and circumstances and considering the fact that petitioners have come forward to deposit Rs.10,000/- without prejudice to their rights and contentions, this Court is inclined to grant anticipatory bail to the petitioners. 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, Oddanchatram 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners are directed to deposit Rs.10,000/- to the credit in Crime No. 78 of 2019 before the learned Judicial Magistrate, Oddanchatram Court within a period of 15 days from the date of receipt of a copy of this order and on such deposit the learned Magistrate shall accept the sureties.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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**



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
18/03/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE  
ODDANCHATHRAM, DINDIGUL DISTRICT
  - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
DINDIGUL
  - 3 THE INSPECTOR OF POLICE  
ODDANCHATHRAM 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.5230

ORDER  
IN  
CRL OP(MD) No.4055 of 2019  
Date :18/03/2019

MSI/PN/SAR 2/20.03.2019/3P-6C