



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.4063 of 2019

1 ADHIVALAVAN
2 AMMASI
3 PANDIMUNI
4 PERIYAKARUPPAN
5 TAMILARASI
6 PANNIVEERAN
7 KOTTAIYAN
8 SONAI
9 VELLAMALAI
10 ARUMUGAM
11 RAMESWARI

... PETITIONERS / ACCUSED 1 TO 11

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.37/2019

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.K.MALATHI, Advocate

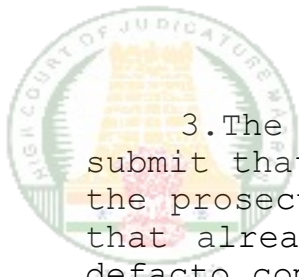
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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, 294(B), 341, 448, 506(i), 379 of IPC, in Cr.No.37 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the property belongs to Government in which the Tahsildhar granted patta in favour of the petitioner as well as the defacto complainant. In earlier occasion the defacto complainant's wife filed a civil suit and continuously the petitioner interfered with the peaceful possession of the defacto complainant. Hence the defacto complainant has filed the present complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would also submit that already civil suit is pending between the petitioner and the defacto complainant family.

4. The learned counsel for the intervenor would submit that though the suit was instituted by his wife, however the petitioner continuously interfering with the peaceful possession of the defacto complainant property.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that no one sustained injury in the scene of occurrence.

6.Considering the facts and circumstances and considering the fact that no one sustained injury in the scene of occurrence, 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 No.II, Madurai 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 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;

(b)the petitioners 1 to 4, 6 to 9 shall report before the respondent police daily at 10.30 a.m until further orders and the petitioners 5,10 and 11 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/ 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**



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

sd/-

18/03/2019

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WEB COPY

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.MALATHI Advocate SR.No.5046

ORDER

IN

CRL OP(MD) No.4063 of 2019

Date :18/03/2019

MS/PN/SAR-4/21.03.2019/3P.6C