



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

Thursday, the Fourth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

Crl.O.P.(MD)Nos.4196 & 4687 of 2019

1 MAHARAJA
2 JEYARAMAN

... PETITIONERS / ACCUSED NO.1 & 2
IN CRL OP(MD)No.4196 of 2019

1 A.AMBALAM
2 N.DHARMALINGAM @ OVIYAM
3 S.A.ALAGAN

... PETITIONERS/ ACCUSED NO.3,4 & 5
IN CRL OP(MD)No.4687 of 2019

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.
CRIME NO.51 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.R.SHANKAR GANESH, Advocate
in both the petitions

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)
in both the petitions

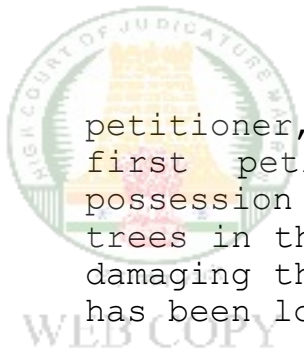
For Intervener : Mr.V.SANTHAKUMARESAN, Advocate
in both the petitions

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 506 (i) and 427 of IPC in Crime No.51 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners A2 to A5 are employee of A1/first petitioner. The defacto complainant borrowed a money from the first petitioner in the year 2001. Since, the defacto complainant not able to pay the amount to the first



petitioner, for which the sale deed was registered in favour of the first petitioner. Thereafter, the defacto complainant is in possession and enjoyment of the property and cultivating banana trees in the land. The first petitioner and his family members often damaging the defacto complainant cultivation, for which present case has been lodged before the respondent police

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that after purchasing the property, the defacto complainant entering the property and damaged the bananas trees continuously. Hence, earlier the first petitioner filed a suit in O.S.No.200 of 2018 before the learned District Munsif, Melur and the same is pending before the trial Court and the petitioners have ready to deposit any amount to the welfare of the students in any school. Hence, they prayed for the anticipatory bail for the petitioners.

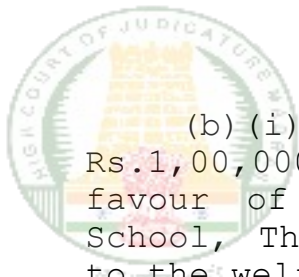
4. Mr.V.Santhakumaresan, the learned counsel for the intervener submitted that if the petitioner ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) for making toilet facility to the welfare of the student, he has no objection to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners have ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) for making toilet facility to the welfare of the student, this Court may consider the anticipatory bail for the petitioners.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners are willing to deposit some amount, to the welfare of Panchayat Union Primary School, Thaniamangalam, Melur, Madurai, this Court is inclined to grant anticipatory bail to the petitioners.

7.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, Melur 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass book to ensure their identity;



(b)(i) the petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft in favour of the Headmaster/Headmistress, Panchayat Union Primary School, Thaniamangalam, Melur, Madurai, for making toilet facility to the welfare of the student.

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(ii) the Headmaster/Headmistress of the above said school is directed to carryout the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned District Educational Officer within a period of eight weeks.

(iii) the petitioners shall make the above deposit before the execution of the sureties.

(c)the petitioners shall report before the respondent police daily at 10.30 a.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 5560]**; and;

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

sd/-

04/04/2019

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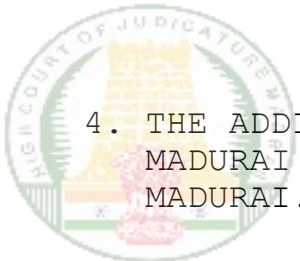
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, MELUR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.



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

COPY TO:

THE HEADMASTER/HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
THANIAMANGALAM, MELUR, MADURAI.

+2. CC to Mr.R.SHANKAR GANESH Advocate SR.No.6155
+1CC TO Mr.V.SANTHAKUMARESAN, Advocate, Sr No.59589

ORDER IN

Crl.O.P. (MD) Nos.4196 & 4687 of 2019

Date :04/04/2019

MS/PN/SAR-1/12.04.2019/4P.9C