



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5155 of 2019

1 M. PAPPATHI,
2 G. KARTHICK,
3 M. KALAIMANI,
4 V. PERIYASAMY, S/O.VEERAN,
5 K. PERIYASAMY, S/O.KATHAN ... PETITIONERS / ACCUSED Nos.1 TO 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VADAMADURAI P.S., VADAMADURAI.
DINDIGUL DT.
(CRIME.NO.133 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.V.KARUNA Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(CrI. 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 alleged offence under Sections 294(b), 324, 506(ii) and 109 IPC in Cr.No.133 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant constructed a house in the Government poromboke land in which, the petitioner objected the same, due to which, there was a wordy quarrel arose between them. Hence, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. The learned counsel appearing for the petitioners further submitted that the petitioners are only questioning the encroachment made by the defacto complainant.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to Gaja cyclone, the defacto



complainant's earlier house was damaged, had encroached the Government promoboke land, in which, the petitioner has objected for construction of house, thereby, there was a wordy quarrel arose between them. He further submitted that no one is injured.

5. Considering the facts and circumstances of the case and considering the fact that no one is injured, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Vedadansur, Dindigul 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 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) the petitioners 2 to 5 shall report before the respondent police daily at 10.30 a.m., until further orders and first petitioner 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 petitioner 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;

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

sd/-

16/04/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
VEDADANSUR, DINDIGUL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
VADAMADURAI P.S., VADAMADURAI. DINDIGUL DT.

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

+1. CC to Mr.V.KARUNA Advocate SR.No.6928

PS/VR/SAR-2/23.04.2019/3P/6C

ORDER

IN

CRL OP (MD) No.5155 of 2019

Date :16/04/2019