



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 07/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7642 of 2019

1. Thangababu,
2. Anantha Perumal,
3. Jebastin Kisor, ... Petitioners/Accused Nos.2,3 & 4

Vs

The State Rep.by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
(Cr.No.198/2019). ... Respondent/Complainant

For Petitioner : Mr.K.Mahendiran for
J.Sivaram, Advocate
For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side)

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

PRAYER :-

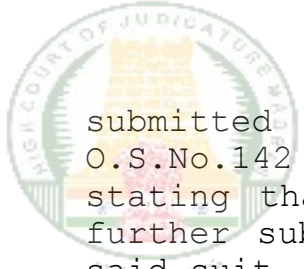
For Anticipatory bail in Cr.No.198/2019 on the file of the respondent police.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 147, 447, 427 and 506(ii) of IPC, in Crime No.198 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are villagers and they have been using the disputed land of 14 cents as bus stand. He further



submitted that the defacto complainant has filed a suit in O.S.No.142 of 2018 on the file of the District Munsif, Tirunelveli, stating that he is using the said land as School playground. He further submitted that the learned District Munsif has decreed the said suit, as against which, the petitioners have filed an appeal in A.S.No.51 of 2019 on the file of the learned Subordinate Judge, Tirunelveli and the same is pending. He further submitted that the petitioners have not committed any offence, but, the defacto complainant gave a false complaint stating that the petitioners herein and two others have trespassed into the said land and caused damages to the fence and also criminally intimidated the defacto complainant and therefore, he prayed for granting anticipatory bail to the petitioners.

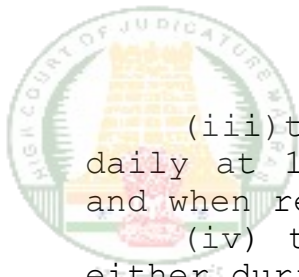
4.Per contra, the learned Government Advocate (criminal side) appearing for the respondent has submitted that the said 14 cents of land is situated in Survey No.1248/23 and that the defacto complainant issuing the said land as playground for his School. She further submitted that already the defacto complainant has filed a suit O.S.No.142 of 2018 on the file of the learned District Munsif, Tirunelveli against the petitioners herein and two other accused persons and got the injunction and thereafter, the petitioners herein and other accused persons criminally trespassed to the said land and caused damage to the fence and the value of the damage is Rs.20,000/- and also criminally intimidated to the defacto complainant and hence, she opposed this petition.

5.Taking into consideration of the fact that as against the decree passed by the learned District Munsif, Tirunelveli, the petitioners herein have filed an appeal in A.S.No.51 of 2019 on the file of the learned Subordinate Judge, Tirunelveli and the same is still pending, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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.V, Tirunelveli, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) Each of the petitioner shall deposit a sum of Rs.4,000/- (Rupees Four Thousand only) to the credit of Crime No.198 of 2019 before the learned Judicial Magistrate No.V, Tirunelveli without prejudice their defence before the trial Court;



(iii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) 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].

(vii) If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/06/2019

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

TO

1.THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.

2.DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to MR.J.SIVARAM, Advocate (SR-9242[I] dated 07/06/2019)

ORDER

IN

CRL OP(MD) No.7642 of 2019

Date :07/06/2019

Ls

AE/JC/SAR-IV (18.06.2019) 4P 6C