



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 06/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7709 of 2019

1.S.Radhakrishnan
2.R.Mookkaiah
3.Muniyandi
4.S.Jeyaram
5. Anthoni @ Pitchai,
6. V. Suruliyandi,
7. P. Suresh @ Sureshkannan,
8. S. Prabhu @ Jeyaprabhu,
9. T. Chandrahassan,
10. M. Paulpandi,
11. P. Suruliyandi,
12. Eswaran,
13. R. Saleth @ Maheswaran

... Petitioners/Accused 1 to 14

Vs

State rep.by its,
The Inspector of Police,,
Uthamapalayam Police Station,
Uthamapalayam,
Theni District.
Crime No.300/2016.

... Respondent/Complainant

For Petitioner : M/s.R.Mathiyalagan,
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 Crime No.300/2016on the file of the
respondent police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147,
<https://hcservices.ecourts.gov.in/hcservices/>
447, 323, 294(b), 379 (NP) and 506(ii) of IPC, in Crime No.300 of
2016, seek anticipatory bail.



2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that due to the dispute with regard to the enjoyment of the land belonging to Muthumariamman Temple, already the defacto complainant has filed a suit in O.S.No.50 of 2000 and the same was decreed in their favour and as against the same, the petitioners have filed an appeal in A.S.No.59 of 2007 on the file of the Sub Court, Uthamapalayam and the same was also disposed of with some observations and based on the said observations, O.S.No.117 of 2013 and 87 of 2016 were filed and the same are pending before the District Munsif Court, Uthamapalayam. He further submitted that due to the aforesaid civil dispute, the defacto complainant has lodged a false complaint against the petitioners as if they have committed theft of 300 coconuts and hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that the petitioners herein have committed theft of 300 coconuts from the land which is in possession of the de-facto complainant and also criminally intimidated the defacto complainant. However, she fairly conceded that already civil suits are pending between the parties and no one sustained injury.

5. Taking into consideration the fact that no one sustained injury and also the fact that already civil suits are pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners by imposing 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, Uthamapalayam, 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) 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.

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



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

(v) 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].

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

sd/-
06/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT
3. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.MATHIYALAGAN Advocate SR.No.9163

ORDER
IN
CRL OP(MD) No.7709 of 2019
Date :06/06/2019

VSG
PK/VR/SAR-2/14.06.2019 : 3P/6C