



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 11/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7817 of 2019

1. Velmurugan
2. Tamilarasi
3. Veeramalai
4. Karikalan

... Petitioners/Accused NO. 1 to 4

Vs

The Inspector of Police,
Jambunathapuram Police Station
Trichy District.
Crime No.45/2019.

... Respondent/Complainant

For Petitioners : M/s.R.J.Karthick, Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.45/2019 on 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 294 (b), 323, 506(i), 459, 468, 420 and 354(B) of IPC, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence. He further submitted that the Government has assigned agricultural land ad-measuring 0.72.0ares in survey number 618/3 to the defacto complainant in the year 2009. He further submitted that on 01.04.2011, the defacto complainant has mortgaged the said property with the first petitioner and received a sum of Rs.2,00,000/- and also executed an unregistered mortgage deed and also handed over possession of the



said property to the first petitioner. He further submitted that the petitioners are in lawful possession of the said property and they have not grabbed the property of the defacto complainant. Hence he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that at the time of granting patta assigning the land in favour of the defacto complainant, the fifth accused was the Village Administrative Officer and he obtained signatures in blank papers and handed over the assignment patta to the first and second accused and only after eight years the defacto complainant came to know that the first and second accused have encroached her property. He further submitted that on 03.03.2019 when the defacto complainant asked the first and second accused to hand over the land, they criminally intimidated her by using obscene words and also assaulted her and hence a complaint was filed before the learned Judicial Magistrate, Thuraiyur and the same was forwarded to the respondent police under section 156(3) Cr.P.C and based on the same, the respondent police has registered a case. He further submitted that the investigation is in progress.

5. Taking into consideration of the fact that even as per the First Information Report, the first and second accused have encroached the suit property eight years ago, but the defacto complainant has not taken any steps for recovery of possession of the suit property through process of law and also the fact that the complaint was filed before the Magistrate after eight years, this Court is inclined to grant anticipatory bail to the petitioners.

5. 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, Thuraiyur 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:

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

[b] 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 for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.



[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 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/06/2019

/ TRUE COPY /

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

TO

- 1.The Judicial Magistrate, Thuraiyur
- 2.Do-Through The Chief Judicial Magistrate,
Trichy District.
- 3.The Inspector of Police,
Jambunathapuram Police Station
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-9460[I] dated 12/06/2019)

ORDER
IN
CRL OP(MD) No.7817 of 2019
Date : 11/06/2019

aav
TK/JC/SAR.4/19.06.2019/3P/6C