



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

Tuesday, the Second day of July Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8424 of 2019

1 VELLAICHAMY
2 CHINNAMMAL
3 RAJA

... PETITIONER / ACCUSED 1 TO 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.242/2019

... RESPONDENT / COMPLAINANT

PALANI

... PETITIONER/ INTERVENER/
DEFACTO COMPLAINANT

For Petitioner : MR.P.SANTHANAKRISHNAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

For Intervener : MR.C.MAYILVAHANA RAJENDRAN, Advocate

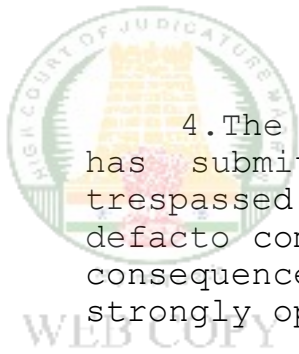
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 379, 447 and 506(ii) of IPC in Crime No.242 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to civil dispute, He further submitted that they filed a suit in O.S.No.690 of 2018 on the file of Sub Court, Dindigul District for the relief fo declaration and permanent prohibitory injunction. During the pendency of the said suit, the defacto complainant has also filed a suit in O.S.No.87 of 2018 against the petitioner for a relief of permanent injunction and subsequently he has withdrawn the said suit. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned counsel for the intervener/defacto complainant has submitted that the petitioners and other accused persons trespassed into the land of the defacto complainant and attacked the defacto complainant with deadly weapons and threatened him with dire consequences and also cut the trees stood in the land. Hence, he strongly opposed this petition.

5.The learned Government Advocate (Crl. Side) appearing for the state has submitted that a civil dispute is there but the investigation is still pending. Hence, he strongly opposed this petition. However, she fairly conceded that there is no previous case pending against the petitioners.

6.Taking into consideration the fact that already the defacto complainant has filed a suit in O.S.No.87 of 2018 for the relief of permanent injunction and subsequently he has withdrawn the said suit and also the fact that the petitioners herein have filed a suit in O.S.No.690 of 2018 on the file of Sub Court, Dindigul District for the relief of declaration and permanent prohibitory injunction and the said suit is still pending, this Court is inclined to grant anticipatory bail to the petitioners by imposing conditions.

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, Natham, Dindigul District, on condition that the petitioners 3 and 4 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/-

02/07/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
NATHAM, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.P.SANTHANA KRISHNAN, Advocate (SR-10834[I] dated
02/07/2019)

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-10888[I] dated
03/07/2019)

ORDER

IN

CRL OP(MD) No.8424 of 2019

Date :02/07/2019

JM/VR/SAR 4/12.07.2019/3P/7C