



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

Date : 08/08/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10993 of 2019

1.Thangaiah Nadar
2.Annapakkiyam
3.Paulraj
4.Kumar @ Jeyakumar
5.Jeyaseelan

... Petitioners/Accused
Nos.1-5

Vs

State rep.by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Crime No.321 of 2019

... Respondent/Complainant

For Petitioners : M/s.S.Senthil Sankara Nathakumar,
Advocate.

For Respondent : Mrs.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory bail in Crime No.321 of 2019 on the file of
the Respondent Police

ORDER : The Court Made the following order :-

The petitioners/accused nos.1 to 5, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 147,447,427,294(b) and 506(ii) of IPC seek anticipatory
bail.

2. Heard both sides.

3. The learned counsel for the petitioners would submit that
with regard to the enjoyment of land in S.No. 9/3F ad measuring 2
cents already defacto complainant has filed a suit seeking permanent



injunction against the petitioners herein, but no interim order has been granted in favour of him. He further submitted that the petitioners are in possession of said land and since the defacto complainant and his associates have damaged the fence and also stolen some fencing properties, the fifth petitioner herein lodged a complaint and based on the same the case was registered in Crime No.318 of 2019 under Sections 147,148 and 379 of IPC against the defacto complainant and his associates and as a counter blast the defacto complainant had lodged false complaint and based on the same the present First Information Report has been registered. He further submitted that petitioners have not committed any offence and therefore he prayed to grant anticipatory bail to the petitioners.

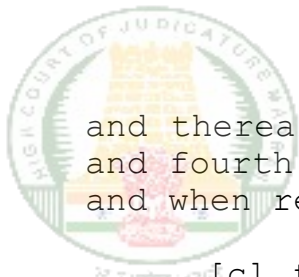
4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the defacto complainant is in possession of the said land and since the petitioners tried to dispossess the defacto complainant, he has already filed a suit before the civil court and the same is still pending. She further submitted that the petitioners have caused damage to the fence and caused loss to the tune of Rs.10,000/-. Hence she opposed to grant anticipatory bail to the petitioners. However she fairly conceded that based on the complaint given by the fifth petitioner already a case was registered in Crime No. 318 of 2019 against the defacto complainant and others under Sections 147,148 and 379 of IPC.

5. Taking into consideration of the facts that already based on the complaint given by the fifth petitioner, First Information Report has been registered in Crime No.318 of 2019 against the defacto complainant and others and also the fact that even though the defacto complainant has filed a suit before civil court and no interim order has been granted, this Court is inclined to grant anticipatory bail to the petitioners.

[6] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri 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 petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the first and second 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 interrogation and the third and fourth petitioners shall report before the respondent police as and when required for the 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 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/-
08/08/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,NANGUNERI

2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

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

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

+1. CC to Mr.S.SENTHIL SANKARA NATHAKUMAR Advocate SR.No.13350

ORDER
IN
CRL OP(MD) No.10993 of 2019
Date :08/08/2019

TK/PN/SAR.4/13.08.2019/3P/6C