

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11384 of 2019

1. Kannan,
2. Chinnakaruppar,

... Petitioners/Accused No.1&2

Vs

The State rep by
The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.
(Crime No.325 of 2018).

... Respondent/Complainant

For Petitioner : M/s. C. Susikumar,
Advocate.

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

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

PRAYER :-

for Anticipatory bail in Crime No.325 of 2018 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 147,
294(b), 427, 323, 324 and 506(i) of IPC, in Crime No.325 of 2018,
seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that on 02.10.2018, the defacto complainant and his family

<https://hcservices.ecourts.gov.in/hcservices/>

members have trespassed into the petitioner's agricultural land and caused damage to the motor wire and cut 25 coconut trees and with regard to the same, a complaint was lodged on 24.11.2018 based on the same, FIR was registered in Crime No.324 of 2018 under Section 447 and 427 of IPC. He further submitted that the civil case was filed by the defacto complainant in respect of some other property whereas in the FIR it is stated that the petitioners have caused damage to a house which is situated in some other place. He further submitted that as per the FIR, the occurrence took place on 02.10.2018 and for that, a complaint was lodged only on 24.11.2018 and therefore, he prayed to grant anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Crl. Side) has submitted that already civil dispute was there with regard to enjoyment of the land and hence, the defacto complainant has filed a suit in O.S.No.128 of 2009 on the file of the District Musif, Nilakottai and the said suit was decreed in favour of the defacto complainant on 11.01.2012, and thereafter, on 2.10.2018, the petitioners herein and others have caused damage to the house of the defacto complainant and hence, he strongly opposed this petition.

5.Taking into consideration the fact that a counter case has also been registered against the defacto complainant and his family members in Crime No.324 of 2018 under Section 447 and 427 of IPC and also the fact that for the offence said to have occurred on 02.10.2018, a complaint was lodged only on 24.11.2018, 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, Nilakottai, Dindigul, 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/-
14/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
NILAKOTTAI, DINDIGUL DISTRICT
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT
- 3 THE INSPECTOR OF POLICE
AMMAYANAICKANUR POLICE STATION,
DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. C. SUSIKUMAR Advocate SR.No.13545

ORDER
IN
CRL OP(MD) No.11384 of 2019
Date :14/08/2019

KM/JC/SAR-IV (22.08.2019) 3P 6C