



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

Date : 04/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8767 of 2020

1. Sellappan
2. Nallasamy
3. Sathish @ Sathishkumar
4. Subramani
5. Sumathi

... Petitioners/Accused Nos.1 to 5

Vs

The State by
The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
(Crime No. 1922 of 2020).

... Respondent/Complainant

Senthilganesh

... CRL MP(MD)No.4302 of 2020 in
CRL OP(MD)No.8767 of 2020

For Petitioners: Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervener : Mr.D.S.Haroon Rasheed
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 1922 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 5,
apprehending arrest at the hands of the respondent police for the
offences punishable under sections 147, 294(b), 447, 427, 379(NP)
and 506(i) of IPC, in Crime No.1922 of 2020 on the file of the
respondent police, seek anticipatory bail.



2.The case of the prosecution is that there was a civil dispute between the parties. The defacto complainant is a tenant under One Rajapriya, who is the original owner of the disputed property. The defacto complainant has run a hotel in the above said property. The petitioners, who are neighbouring land owners, alleged that the defacto complainant has encroached the property of the petitioners, due to which, there was a wordy quarrel between them, in which, the petitioners said to have attacked the defacto complainant and caused damage to the hotel worth about Rs.9,44,300/-. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners and the intervener/defacto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent.

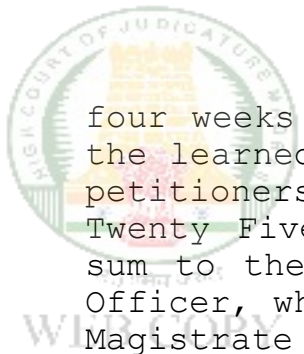
4.The learned counsel appearing for the petitioners submitted that earlier the defacto complainant in order to encroach the petitioners' land put up a hotel, which was questioned by the second petitioner, in which, the defacto complainant said to have abused by using filthy language and also assaulted the petitioners. Hence, the petitioners have given a complaint against the defacto complainant and the same has been registered in Crime No.1933 of 2020, for the offence punishable under Section 447 and 506(i) of IPC. As a counter blast, the present complaint has been filed. Hence, he seek anticipatory bail.

5.The learned counsel appearing for the intervener/defacto complainant submitted that the defacto complainant has never encroached the petitioners land. Even as per the complaint, it is only alleged that the defacto complainant has encroached five feet of land in the petitioners' land but the petitioners said to have caused damage to the entire hotel. Hence, he opposed this petition.

6.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that it is a case in counter. He further submitted that the petitioners said to have trespassed into the defacto complainant's land and caused damage to the hotel of the defacto complainant worth about Rs.9,44,300/-.

7.Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that it is a civil dispute regarding using of land, in which, the petitioners said to have attacked the defacto complainant and caused damage to the hotel. Considering the above circumstances and it is only a civil dispute and it is a case in counter and no one sustained serious injuries, hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on <https://hcservices.com> of arrest or their appearance, within a period of



four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Oddanchatram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to jointly deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.1922 of 2020 before the learned Judicial Magistrate, Oddanchatram, within a period of two weeks without prejudice to their rights and contentions before the trial Court ;

(c) the petitioners shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/09/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,

<https://hcservices.mca.gov.in/Services/>



2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

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

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

ORDER

IN

CRL OP(MD) No.8767 of 2020

Date :04/09/2020

vsg

AE/PN/SAR-IV (09.09.2020) 4P 5C