



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5814 of 2021

1. S.James
2. J.Infant Raj
3. Lilli Rani

... Petitioners/Accused 1 to 3

Vs

State through
The Inspector of Police,
Vaipampatty Police Station,
Trichy District.
Crime No. 142 of 2021.

... Respondent/Complainant

A.Saravanakumar

... Petitioner/Defacto Complainant
in CRL MP(MD)No.3475 of 2021
in CRL OP(MD)No.5814 of 2021

For Petitioners : Mr.G.Sarath Kumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Intervener : Mr.J.Jeyakumaran, Advocate

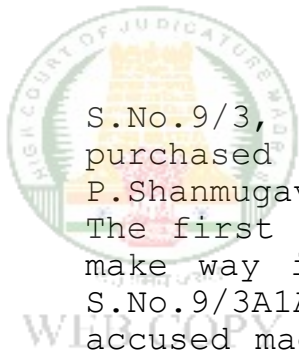
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.142 of 2021 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 alleged offences punishable under Sections 147, 148, 294(b), 323, 427 and 506(ii) of IPC in Crime No.142 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is some dispute between the parties with regard to the lands purchased. The defacto complainant's father purchased 31 cents from 2 acres 26 cents in



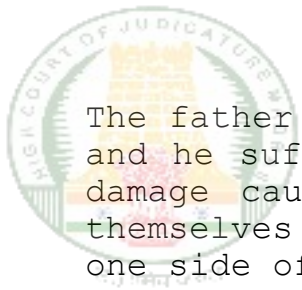
S.No.9/3, Vaiyampatti. On 10.09.2020, the defacto complainant purchased four cents, out of 67 cents in S.No.9/3A1A1 from one P.Shanmugavel and his sons, S.Kuzhandhaivel and S.Thamizhazhagan. The first accused, Inband Raj was asking the defacto complainant to make way in the property purchased by the defacto complainant in S.No.9/3A1A1 to reach his land. When this request was refused, the accused made a threat stating that if he did not give the lands to him, he would kill the defacto complainant and his father. In this regard, on 19.01.2021, the defacto complainant gave a complaint against the accused with the Superintendent of Police, Trichy and also the defacto complainant filed a petition in Crl.O.P.(MD)o.2815 of 2021 before this Court seeking police protection. On 01.04.2021, at about 08.30 p.m., when the defacto complainant's father was standing near his car bearing Registration No.TN-45-PY-6637 in his land, the accused came with knife, iron rod and wooden log, entered into the defacto complainant's land and started attacking his father. They also damaged the defacto complainant's car. The value of the damage is worth of Rs.2,00,000/-. They also threatened stating that if the property is not sold to them, they would kill the defacto complainant and his father. Therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned counsel for the intervener strongly opposed this petition on the ground that the petitioners are indulging in violent activities again and again. They also filed a suit in O.S.No.144 of 2020 before the Principal District Munsif, Manapparai seeking relief of declaration and permanent injunction and other reliefs. When they were not get any interim relief, suppressing the suit, they have filed another suit in O.S.No.431 of 2020 before the Sub Court, Manapparai. There also, no interim order was granted. He further submitted that the accused are trying to grab the property of the defacto complainant. As a consequence, this incident had happened, in which, they illegally trespassed into the land of the defacto complainant, caused damage to the car worth Rs.2,00,000/-, attacked his father and criminally intimidated them. Therefore, he strongly opposed grant of anticipatory bail to the petitioners.

5.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed.

6.It is seen from the submissions made that there is the dispute with regard to the property purchased by the defacto complainant, specifically purchased in S.No.9/3A1A1 to an extent of 1725 sq.ft. The case of the prosecution is that the petitioners claim pathway right in the property, which was disputed and denied by the defacto complainant. Therefore, this incident had happened.



The father of the defacto complainant was said to have been attacked and he suffered injuries. There is a specific allegation that the damage caused to the car is worth Rs.2,00,000/-. The petitioners themselves filed a copy of the photographs, which show scratches on one side of the body and nothing is seen from other side.

7.Taking note of the offences committed and damages caused to the defacto complainant's car, this Court is of the considered view that the petitioners may be granted anticipatory bail with certain conditions.

8.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, Manapparai, Trichy District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.142 of 2021 before the learned Judicial Magistrate, Manapparai, Trichy District, , without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

[c]the petitioner shall report before respondent police daily, at 10.30 am., until further orders;

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.



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

9.The Trial Court is directed to pass appropriate orders, at the end of the trial, with regard to the compensation to be paid to the victim for the damage caused to the car, on the basis of the evidence produced.

sd/-
24/06/2021

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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,
MANAPPARAI, TRICHY DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VAIAMPATTY POLICE STATION, TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5814 of 2021
Date :24/06/2021

SM
AE/MNR/SAR-IV/29.06.2021/4P/5C