



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 28/07/2021  
PRESENT

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

**CRL OP(MD) . No.8886 of 2021**

1. Pirins Alias Prince
2. Andisamy
3. Murugan
4. Ravi
5. Manikandan

... Petitioners/Accused No.1 to 5

Vs

The State Represented by  
The Inspector of Police,  
Palanichettypatty Police Station,  
Theni District.

Cr.No. 316 of 2021..

... Respondent/Complainant

For Petitioner : Mr.A.Mithun Chakravarthi,  
Advocate.

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

For Intervener : Mr.V.Vijayakumar

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

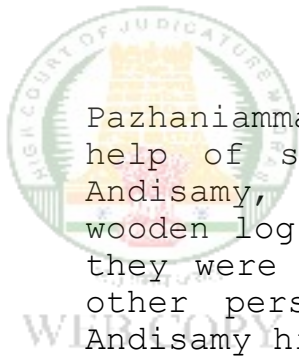
**PRAYER :-**

For Anticipatory Bail in Crime No.316 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, 324 and 506(ii) of IPC in Crime No.316 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father owns land near Kannimarkulam at Mariyamankovilpatti to an extent of 90 cents. Two years before Pirins @ Prince, Andisamy, Murugan, Ravi wanted to sell the lands to them. The defacto complainant and his father refused to sell the lands, but they sold their land to one Venkatesan eight months back. That be the case, on 24.06.2021, at about 5 p.m., the defacto complainant and his father, uncle's son Suresh and Murugeswari, Ponnuthai, Lakshmi,

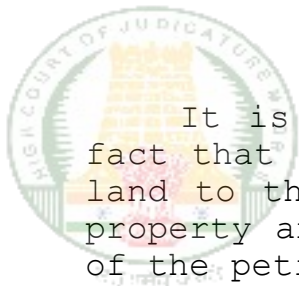


Pazhaniammal, visited property for demarcating their land with the help of surveyor. At that time, the accused Pirins @ Prince, Andisamy, Murugan, Ravi and Manikandan had come there with hoe, wooden log and they scolded with filthy language and told them that they were not prepared to sell the lands to them but sold to some other person. Pirins @ Prince hit his father with wooden log, Andisamy hit him on his left arm with stick, Murugan hit Suresh with hoe, Ravi hit his hand with stone. Manikandan, Maniyarasan and Parthiban also hit him and his father Suresh with hands. The accused persons also criminally intimidated them and left the scene of occurrence.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are falsely implicated in this case. He further submitted that the third petitioner was adjacent land owner and others were his partners. The defacto complainant and others tried to lay boundary stones within the land of the third petitioner which was prevented and there was some quarrel. He also submitted the injured was discharged from the Hospital. Therefore, he seeks anticipatory bail to the petitioners.

4. Per contra, the learned Government Advocate(Crl.side) appearing for the respondent police and intervener opposed this petition on the ground that the petitioners are land grabbers and several cases pending against them. The details of the cases are as follows:

| Sl. No | Rank of the accused person | Crime No. & Police Station                                      | Offences                                                                                                                                                           |
|--------|----------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.     | A-1 & A-2                  | 43 of 2011, District Crime Branch, Theni                        | U/s 447, 424, & 506 (ii) r/w 34 of IPC                                                                                                                             |
| 2.     | A-1 & A-3                  | 1322 of 2017, Bodinayakkanur Police Station.                    | U/s 294(b), 323, 506 (i) of IPC and Sections 4(1)(i) of Tamil Nadu Prohibition Act and 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992. |
| 3.     | A-2                        | 2167 of 2020, Palanichettypatti Police Station, Theni District. | 294(b), 324 and 506 (ii) of IPC                                                                                                                                    |



It is also submitted that the petitioners' aggrieved over the fact that the defacto complainant and his father did not sell their land to them started giving trouble by illegally encroaching their property and abused them and attacked them. They pray for dismissal of the petition.

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5. From the facts, it is clear that the lands of the defacto complainant and petitioners situated side by side. It is alleged by the defacto complainant that the petitioners tried to grab their land by encroachment. On the other hand, the petitioners claimed that the defacto complainant and others tried to encroach their land and tried to lay boundary stones. There was a fight that resulted in four persons suffering injury and all of them discharged from the Hospital. There is a issue with regard to boundary dispute between rival parties. Injured has been discharged from the hospital. Therefore, this Court is inclined to grant anticipatory bail to the petitioners 4 & 5. However, considering the fact that the petitioners 1 to 3 have previous cases pending as stated above, this Court is not inclined to grant anticipatory bail to the petitioners 1 to 3.

6. Accordingly, this petition is **partly allowed** and the petitioners 4 & 5 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 Court, Theni 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 condition that:

[a]the petitioners 4 & 5 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 4 & 5 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 4 & 5 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 4 & 5 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 4 & 5 in accordance with law as if the conditions have been imposed and the petitioners 4 & 5 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/petitioners 4 & 5 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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,  
THENI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,  
PALANICHETTYPATY POLICE STATION,  
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP(MD) No.8886 of 2021

Date : 28/07/2021

SS/VR/SAR-IV/02.08.2021 : 4P/5C