



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

Date : 04/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.10325 of 2021

1. Thiraviam
2. Kakkappan
3. Raja
4. Lakshmanan
5. Ramar @ Raman
6. Chellammal
7. Ramu @ Ramalakshmi

... Petitioners/Accused Nos.1 to 7

Vs

The State Rep. by,
The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.463 of 2021).

... Respondent/Complainant

For Petitioners : Mr.B.Arun,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

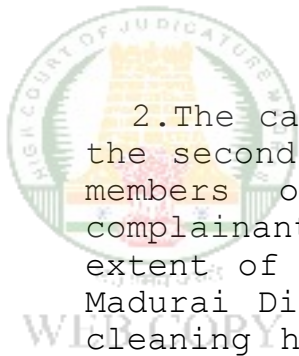
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.463 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A7 apprehending arrest at the hands of the respondent police for the offence punishable under sections 147, 294(b), 447 and 506(ii) I.P.C, in Crime No.463 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant and the second petitioner are brothers and other petitioners are family members of the second petitioner. According to the defacto complainant, he is the owner of the land in Survey No.140/3A to an extent of 2 acre 53 cents situated in Menachipatti, Madurai East, Madurai District. On 10.07.2021, when the defacto complainant was cleaning his property with JCB, these petitioners alleged to have abused the defacto complainant in filthy language and also criminally intimidated him. Hence, the complaint.

3.The learned counsel for the petitioners claims that it is their ancestral property. Since the defacto complainant being the Panchayat President and politically influenced person, has transferred the Patta in his name without any valid document and trying to grab their ancestral property. The petitioners have challenged the Patta granted in favour of the defacto complainant before the Revenue Divisional Officer, Madurai and the same is pending in Na.Ka.No.2450 of 2021. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that due to the property dispute between the parties, the case came to be registered and on one is injured.

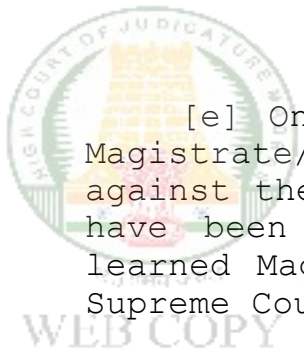
5.Considering the facts and circumstances of the case and no one is injured in this case, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Melur, Madurai District, within a period of fifteen days from the date of receipt of a copy of this order, on their executing 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 said Magistrate 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/08/2021

/ TRUE COPY /

/ /2021
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, MELUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.10325 of 2021
Date :04/08/2021

msa
USK/JC/SAR-I : 09/08/2021 : 3P/5C