



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.13050 of 2021

1.Subbaiyah

2.Ramamoorthy

... Petitioners/Accused Nos.1 &2

-Vs-

State Reb by
The Inspector of Police,
Vattathikottai Police Station
Thanjavur District
Crime No.491 of 2021.

... Respondent/Complainant

For Petitioners : Mr.K.Sivabalan, Advocate for
Mr.E.Balasubramanian, Advocate.

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

For Intervener : Mr.N.Kamesh,
Advocate

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

PRAYER :-

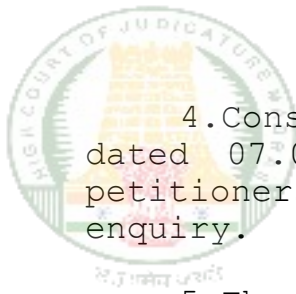
For Anticipatory Bail in Crime No.491 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2 apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
448, 427, 294(b) and 506(ii) I.P.C, in Crime No.491 of 2021 on the
file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
has purchased the land in dispute where he cultivated some
sandalwood trees and teakwood tress. Due to a dispute in respect of
partition, on 12.08.2021, the petitioners illegally entered into the
defacto complainant's property and have cut all the tress worth
about Rs.40/- lakhs. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the
land in dispute originally belongs to the petitioners. But, the
first petitioner has purchased the property in the name of his
second wife's son, who is the defacto complainant herein. Taking
advantage of the same, the defacto complainant has not permitted the
petitioners to enter into the property.



4.Considering the nature of allegation, this Court by order dated 07.09.2021, has granted interim anticipatory bail to the petitioners on condition to appear before the respondent police for enquiry.

5.The learned counsel for the petitioners, today, submits that as per the direction of this Court, the petitioners have appeared before the respondent police for enquiry.

6.Mr.N.Kamesh, learned counsel for the defacto complainant would submit that the defacto complainant is the son of the second wife of the first petitioner and the second petitioner is the son of first wife of the first petitioner. The petitioners have entered into the property of the defacto complainant and have cut the trees to the tune of Rs.40/- lakhs.

7.The learned Government Advocate (Crl.side) appearing for the respondent police has produced the photograph and it reveals that some similar trees have been cut from the land.

8.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the fact that both parties are close relatives, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, Thanjavur District, on condition that the petitioner 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 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 learned Magistrate may obtain a copy of their Aadhaar 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 the 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**



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

sd/-

21/09/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

msa

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,
PATTUKOTTAI,
THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13050 of 2021

Date :21/09/2021

PKP/JC/SAR-4/29.09.2021/3P/5C