



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.19179 of 2021

1. Chinna Kalai
2. Manikandan
3. Mayakkal

... Petitioners/1st to 3rd Accused

Vs

State rep.by
The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
(Crime No.711/2021).

... Respondent/Complainant

For Petitioners: M/s.B.Rajesh Saravanan, Advocate.

For Respondent : M/s.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.711 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 427, 457, 380, 294(b), 506(i), 452 IPC in Crime No.711 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had trespassed into the house of the *defacto* complainant, caused damages to the name plate and stolen articles worth about Rupees four lakhs, when the same was questioned by the *defacto* complainant, they had abused him with filthy language and also threatened with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners would submit that there was civil dispute between the parties and the petitioners had filed OS No.426 of 2014 against one Arumugam and others before the Additional District Munsif Court, Dindigul, which was dismissed for default. On previous occasion, the third petitioner viz., Mayakkal had filed CrI.OP(MD)No.11446 of 2021, seeking direction to the police not to harass the petitioners, on the complaint given by one Arumugam and others. When the matter was taken up for hearing, it brought to the notice of this Court that suit in OS No.426 of 2014 has been filed and pending before the concerned Court. During the course of enquiry, on the basis of the complaint given by above said Mayakkal, both the parties appeared before the Court and as per the order dated 16.08.2021, the enquiry Officer would submit that both the parties were worked out their remedy through proper civil forum. After the above said order, it appears that the *defacto* complainant claiming himself to be the tenant, in respect of above disputed property, gave a complaint, as if these petitioners had trespassed into the property and stolen away the articles worth about Rupees four lakhs. It is further submitted that the previous complaint given by the *defacto* complainant was not found to be true, so it was closed by the concerned police. Later, the *defacto* complainant filed petition under Section 156 Cr.P.C before the Judicial Magistrate, based on which, this present complaint has been registered.

4.The learned Government Advocate (CrI.Side) appearing for the respondent would submit that investigation is not yet completed.

5.Considering the facts and circumstances of this case, nature of dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate No.III, Dindigul and 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-

06/12/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.III)
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 NO.III
DINDIGUL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
SHANARPATTI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19179 of 2021
Date :06/12/2021

SP/CN/SAR III/10/12/2021/3P/5C