



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19184 of 2021

1 M.Dhandapani

2.Yuvaraj Alias Yuvaraj Pandian ... Petitioners/1st & 2nd Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Reddiarchathiram Police Station,
Dindigul District
(Crime No.634 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.M.Suresh,
Advocate.

For Respondent : Mr.SS.Madhavan, Government Advocate (Crl.Side)

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

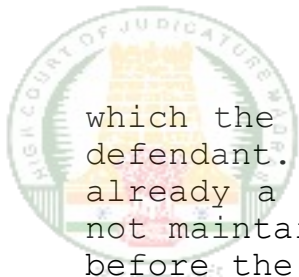
PRAYER :-For Anticipatory Bail in Crime No.634 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 447, 427 and 506(i) IPC, in Crime No.634 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons entered into the property belongs to the defacto complainant and caused damages to the property and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. There is a long standing civil dispute between the defacto complainant and the first petitioner herein who are brothers. Challenging the partition that took place between the parties on 25.03.1993 a suit has been filed by the petitioner in Civil Suit No. 1704 of 2012 on the file of Additional Sub Court, Dindigul, in



which the defacto complainant namely Kalimuthu is arrayed as second defendant. That suit came to be dismissed stating that there was already a partition between the parties and so second partition is not maintainable. Against which the first appeal has been preferred before the Principal District Court, Dindigul. That was also came to be dismissed. Thereafter, the second appeal in S.A.(MD).No.13 of 2021 has been filed before this Court. That was also dismissed. After the dismissal of the above said proceedings, trouble arose between the defacto complainant and the petitioners herein. Again the first petitioner filed a suit in O.S.No.246 of 2021 against the defacto complainant and others before the District Munsif Court, Dindigul, seeking permanent injunction in respect of the property that has been allotted to him in respect of the partition deed. Now it is pending. The date of suit is 04.09.2021. Date of complaint is 27.11.2021, stating that this petitioner along with other persons tress passed into the property and criminally intimidated. But survey number of the property is not mentioned in the complaint.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that there is a land dispute between the parties.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Ottanchattiram, 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

13/12/2021

/ 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



TO

1 THE JUDICIAL MAGISTRATE
OTTANCHATTIRAM, DINDIGUL DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3 THE SUB INSPECTOR OF POLICE
REDDIARCHATHIRAM POLICE STATION, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.R.M.SURESH, Advocate (SR-9287[I] dated 15/12/2021)

ORDER

IN

CRL OP(MD) No.19184 of 2021

Date :13/12/2021

TM

MK/VR/SAR.II/17.12.2021/3P/6C