



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7765 of 2022

1 DURAISAMY [PETITIONERS / ACCUSED]
2 PRAKASH @ SIVAPRAKASH
3 VIGNESHKUMAR
4 VADIVEL

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT
(CRIME NO. 82/2022)

For Petitioner : M/S.S.ILAMVAZHUTHI, Advocate for
M/S.B.D.KANNAN Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

For Intervener : M/S.P.MURALI, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehending arrest for the alleged offence under Sections 147, 148, 294(b), 324, 341, 420, 427, 447, 506 (i) of I.P.C., in Crime No.82 of 2022, seeks anticipatory bail.

2. On hearing the Learned Counsel for the petitioner, Government Advocate (Crl.Side) for the respondent/State and intervenor/defacto complainant, this Court finds that there is a civil dispute regarding the title of the disputed land. The petitioner herein rely upon the registered sale deed, whereas, the defacto



complainant relying upon an unregistered sale deed claiming title over the property which is pending. As far as the criminal complaint is concerned, it is alleged that the petitioners came with JCB and damaged the iron facing measuring 700 sq.ft that was questioned by the defacto complainant and they were badly obtained and intimidated.

3. Taking note of the fact that, there is a cloud over the title property and in this connection, civil suit is also pending. The very question of possession also been disputed. This Court is of the view that the petitioners are entitled for anticipatory bail.

4. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Udumalaipettai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Lakhs only), each with two sureties 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m., until further orders.

(c). The petitioners shall cooperative with Investigating Officer and produce all the relevant documents which are in their possession.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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]; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

07/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, UDUMALAIPETTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECTION OFFICER,
E.R. SECTION,
HIGH COURT, MADRAS.

+1 CC to M/S.B.D.KANNAN Advocate on payment of necessary charges
SR.NO. 5470

CRL OP.7765/2022

Date :07/04/2022

RW 12/04/2022