



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

Date : 07/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4371 of 2022

1.Punitha

2.Vethanayagi

3.Yogarani

4.Lalitha

5.Jone

6.Nagarajan

...Petitioners/Accused No.1 to 6

Vs

State rep.by

The Inspector of Police,
Soorankudi Police Station,
Soorankudi,
Thoouthukudi District.

(Cr.No.31/2022).

... Respondent/Complainant

For Petitioners : Mr.K. Arunraj, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

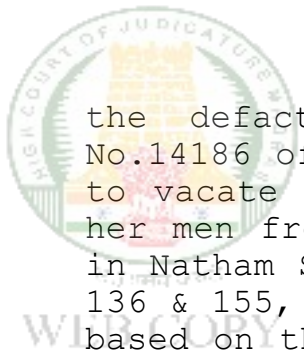
For Anticipatory Bail in Crime No. 31 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 (NH)IPC, in Crime No.31 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant. On 01.03.2022, the petitioners cut three neem trees, which were belonging to the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that



the defacto complainant has filed a writ petition in WP(MD) No.14186 of 2021, seeking Writ of Mandamus, directing the officials to vacate the fifth respondent/first petitioner herein Punitha and her men from the property of the federation viz the house property in Natham Survey No.315/39 in patta No.389 and the house in D No.1-136 & 155, Vembar Village, Vilathikulam Taluk, Thoothukudi District, based on the defacto complainant's complaint, dated 12.03.2021, and 28.05.2021 within the time stipulated by this Court and this Court vide order dated 20.01.2022 by observing that the defacto complainant should seek necessary relief before the competent Civil Court and that the Writ Court cannot be used as an arm for this particular purpose and that the writ petition is misconceived, dismissed the petition.

4. The learned counsel for the petitioners would further submit that since the defacto complainant has failed in his attempt, has lodged the complaint and on the basis of the above, FIR came to be registered.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioners had encroached the land of the defacto complainant and cut down three Neem trees and taken away.

6.Considering the nature of the charges levelled against the petitioners and also the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

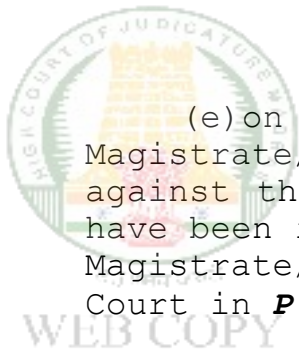
7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate Court, Vilathikulam, on condition that the petitioners 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 respondent Police or to the Police Officer, who intends to arrest or 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 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***; and;

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

sd/-
07/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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,
VILATHIKULAM .
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SOORANKUDI POLICE STATION, SOORANKUDI,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADRURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-1824[I] dated 09/03/2022)

ORDER
IN
CRL OP(MD) No.4371 of 2022
Date : 07/03/2022

PKP/SBN/SAR-4/11.03.2022/3P/6C