



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/06/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.7071 of 2022

and

Crl.M.P.(MD) No.5210 of 2022

Thambithurai

... Petitioner/A5

Vs

The State rep.by,
The Inspector of Police,
C-2, Police Station,
(Subramaniapuram Police Station),
Madurai-625003.
(Crime No.154/2022)

... Respondent/Complainant

For Petitioner : Mr.R.Ramasamy,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

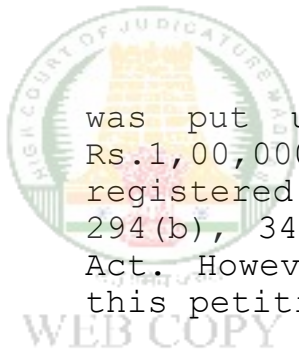
PRAYER :-For Anticipatory Bail in Crime No.154 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 147, 148, 447, 294(b) and 506(ii) I.P.C, in Crime No.154 of 2022 on the file of the respondent police, in which this petitioner is arrayed as 5th accused.

2.The case of the prosecution is that the defacto complainant purchased the disputed property from one Babu Kandasamy and ever since he is in possession of the same. On 05.03.2022, at about 12 Noon, the accused persons alleged to have trespassed into the property and placed two generators. When that was questioned by the defacto complainant, he was also criminally intimidated. So, based upon the complaint, the aforesaid case has been registered.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the accused persons alleged to have damaged the aforesaid generator as well as the fencing that



was put up by the defacto complainant worth about m an Rs.1,00,000/-, over which the case in Crime No.210 of 2022 has been registered for the offences punishable under Sections 147, 148, 447, 294(b), 342, 323, 324, 427 and 506(ii) IPC and Section 4 of TNPHW Act. However, the learned counsel for the petitioner submits that this petitioner is not arrayed as accused in Crime No.210 of 2022.

4.It is further submitted by the learned Government Advocate (Crl.side) that the anticipatory bail application that was filed by the co-accused came to be dismissed by this Court in Crl.O.P.(MD) No.5763 of 2022 on 08.04.2022. Later, they were arrested and released on bail. It is also seen that this petitioner purchased the disputed property on 14.12.2012 bearing Doc.No.12337/2012 from one Paulpandi.

5.It appears that because of the aforesaid issue, trouble has arisen between the parties. Considering the limited role that has been played by this petitioner and considering the fact that there is no specific allegation against this petitioner to join hands with the co-accused and to cause damage to the generators and other things, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.4, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner 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. Consequently, connected miscellaneous petition is closed.

sd/-

28/06/2022

/ TRUE COPY /

/07/2022

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 NO.4
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
C-2, POLICE STATION
(SUBRAMANIAPURAM POLICE STATION),
MADURAI-625003

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

ORDER
IN
CRL OP(MD). No.7071 of 2022
and
Crl.M.P.(MD) No.5210 of 2022
Date :28/06/2022

MM
MK/VR/SAR.I/12.07.2022/3P/5C