



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)
Reserved on : 07/09/2022
Delivered on :16/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.10172 of 2022

1. Davidraja
2. Yosapu
3. Vethamani
4. Kabildev Reegan
5. Jayaseli @ Jayaseela

... Petitioners/Accused
No.2,3,5,7 and 9

Vs.

State rep.by
The Inspector of Police,
Keelaselvanoor Police Station,
Ramanathapuram District
(Crime No. 20 of 2022).

... Respondent/Complainant

Kasilingaperumal

... Petitioner/Intervener
(in CrI.M.P.(MD)No.6755/2022)

For Petitioners : M/s.Vishnu J, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.20 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 448, 427 and 506(ii) IPC, in Crime No. 20 of 2022, seek anticipatory bail.



2. The allegation against the petitioner is that the defacto complainant is working as a Manager in "Campbeb Alkalish Limited Company". On 27.05.2022, at about 10.30 am., while the defacto complainant was in the company, the petitioners abused the defacto complainant and threatened him with dire consequence. A case in Crime No.20 of 2022, was registered against the petitioners.

3. On the side of the petitioners, it is stated that the criminal case was registered against the petitioners, without conducting any preliminary enquiry. The petitioners are innocent and they have been falsely implicated in the case and prayed the petitioners to be released on bail.

4. On the side of the petitioners, it is stated that the defacto complainant was running a salt factory, without any licence and that he encroached the Kanmai. The petitioners sought for eviction and RTO enquiry was conducted. Only due to that motive, the defacto complainant lodged this false complaint against this petitioners and prayed the petitioners to be released on bail.

5. On the side of the intervenor, it is stated that the defacto complainant is having a salt factory in area of 20 Acres. The Government is running a salt factory with an extend of 100 Acres. The petitioners are continuously disturbing the defacto complainant. Already 4 F.I.R's were registered against the petitioners. A criminal case was registered against one Gunalan in Crime No.186 of 2022, he was arrested and released on bail. The first petitioner herein is the brother of said Gunalan. The petitioners used to demand money and threaten to file petitions as if the defacto complainant is encroaching. They repair the damaged pipe and the entire length of pipe has to be replaced, which caused Rs.8,00,000/- to the defacto complainant and they damaged borewell.

6. On the side of the prosecution, it is stated that the encroachment was already removed by the Government, The petitioners damaged motors and pipes and the borewells and he prayed the petition to be dismissed.

7. Considering the allegation levelled against the petitioner and considering the fact that all the 3 cases are arising on the same occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



8. Accordingly, this petition is allowed and the petitioners is ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kadaladi, 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 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 daily at 10.30 am until further orders;

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

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

16/09/2022

/ TRUE COPY /

/09/2022

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

LS

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.



1. THE JUDICIAL MAGISTRATE,
KADALADI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KEELASEIVANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10172 of 2022
Date :16/09/2022

SP/SVR/SAR I/21/09/2022/4P/5C