



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/07/2022

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PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

CRL OP(MD). No.11499 of 2022

1.Sathish  
2.Vellaiyammal  
3.Veerammal

... Petitioners/Accused 3 to 5

**Vs**

State Rep.by  
The Sub Inspector of Police,  
Natham Police Station,  
Dindigul District.  
(Crime No.171 of 2022).

... Respondent/Complainant

Kanthasamy ... Intervenor/Petitioner/Defacto Complainant  
in CRL MP(MD).7870/2022 in CRL OP(MD).11499/2022

For Petitioners : M/s.Vijayasethupathy V, Advocate.  
For Respondent : Mr.B.Thanga Aravindh,  
Government Advocate (Crl.Side)  
For Intervenor : Mr.S.Arjun, Advocate

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

**PRAYER :-**

For Anticipatory Bail in Crime No.171 of 2022 on the file of the respondent Police.

**ORDER :** The Court made the following order :-

The petitioners/Accused No.3 to 5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 447, 294(b), 379, 506(ii) of IPC, in Crime No.171 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 17.05.2022 at about 10.00 a.m., when the defacto complainant visited his land, he found that about 10,000 coconuts were found stolen by the accused persons. Hence, he immediately contacted the police party through helpline. At that time, he was criminally intimidated by the accused persons



and abused in filthy language. Hence, the above case registered.

3.The learned counsel for the petitioners submitted that they are the cultivating tenants in respect of the above said property. Over which two suits are pending before the District Munsif Court, Natham. But, they are in possession of the property. Continuously complaint has been registered against them as if they stolen the coconuts.

4.The learned Government Advocate (Crl. Side) submitted that it is a civil dispute between the parties.

5.It is the case of the intervenor that the property originally belonged to him and that was leased out to the petitioners's family and the lease was surrendered on receiving compensation of Rs.75,000/-. But, later the petitioner appears to have entered into a lease agreement with his brother, who is no way connected to the property, he makes trouble.

6.Whether the petitioners are cultivating tenants under the defacto complainant is the matter for consideration by the trial Court. It appears that continuously complaint has been filed about the theft of coconuts. In the pending suit the parties must take steps to file a petition for appointment of a Receiver, So that the continuous trouble will come to end till the disposal of the above suits.

7.However, since 10,000 coconuts alleged to have been stolen, the petitioners must deposit the cost of the above said coconuts. Therefore, this Court is inclined to grant anticipatory bail to the petitioner on condition.

8.Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Cr.No.171 of 2022 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

9.On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned District Munsif cum Judicial Magistrate, Natham, 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.



10. 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/-

08/07/2022

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/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 concerned.

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, NATHAM.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE, NATHAM POLICE STATION,  
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.VIJAYASETHUPATHY, Advocate ( SR-6820[I] dated 08/07/2022 )

ORDER

IN

CRL OP(MD) No.11499 of 2022

Date :08/07/2022

RS/PN/SAR.1 (20.07.2022) 3P-6C