



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

Date : 29/06/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11596 of 2022

1. Muthupandian @ Muthupandi
2. Kavitha

... Petitioners/Accused Nos.1&2

Vs

The State Rep. By,
The Inspector of Police,
Thandikudi Police Station,
Thandikudi, Dindigul District.
Cr.No.89/2022.

... Respondent/Complainant

For Petitioner : Mr.Lawrence J,
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 Cr.No.89/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 109, 341 and 506(ii) I.P.C. in Crime No.89 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that regarding the pathway dispute, there is already an issue is pending between the two groups of people, over which W.P.(MD) No.5271 of 2021 was filed by the 1st petitioner herein against the opposite party and there was a direction to the 1st petitioner by this Court on 04.04.2022 to move the appropriate forum to workout his remedy with regard to the removal of encroachment. However, without availing and exercising the aforesaid option for approaching the civil Court, the present complaint has been given by the defacto complainant stating as if this petitioners alleged to have made trouble and criminally intimidated him.



3. There is also an allegation to the effect that the instigation of the 2nd accused, namely Kavitha, the other accused persons alleged to have prevented the defacto complainant and others from carrying out their agricultural operations.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the 2nd petitioner has already got an anticipatory bail before the learned Principal Sessions Judge, Dindigul on 28.06.2022.

5. It appears that suppressing the fact that the petition for anticipatory bail is pending before this Court, the aforesaid anticipatory bail petition has been moved before the learned Principal Sessions Judge, Dindigul. Even though the second petition for anticipatory bail is liable for contempt, the learned counsel for the petitioners submits that he is not pressing the petition for anticipatory bail against the 2nd petitioner/A2.

6. Considering the same, this Court is inclined to grant anticipatory bail to the 1st petitioner alone.

7. Accordingly, this Criminal Original Petition is allowed and the 1st petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Kodaikkanal on condition that the 1st 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 1st petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The 1st petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The 1st 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. Insofar as the 2nd petitioner is concerned, this petition is dismissed.

sd/-
29/06/2022

/ 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,
KODAIKANAL.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
THANDIKUDI POLICE STATION,
THANDIKUDI, DINDIGUL DISTRICT.

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

+1. CC to M/S.LAWRENCE J Advocate SR.No.28907(F).

ORDER

IN

CRL OP(MD) No.11596 of 2022

Date :29/06/2022

MM

USK/PN/SAR-III/12.07.2022/3P/6C