



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27.09.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.12787 of 2022

(*)1.Setti @ Chetty

2.Pandi

3.V.Jothi

4.Ponnuvayiru

5.Vairavaselvam

6.Vairadeva

7.Vairaranjith @ Ranjith

8.AV Raja @ AVM.Rajan

... Petitioners/A1 to A8

(*)(petitioners amended as per order of
the court dated 27.09.2022 in CrI.M.P
(MD)No.11676 of 2022 in CRL OP(MD)
12787/22)

Vs

The State rep.by,
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

(**)Crime No.225 of 2022

... Respondent/Complainant

(**)(Crime no amended as per order of
the court dated 27.09.2022 in CrI.M.P
(MD)No.11676 of 2022 in CRL OP(MD)
12787/22)

For Petitioners: Mr.K.Saravanan
Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate (CrI.Side)

For Intervenor : Mr.B.Balamurugapandi, Advocate.

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

PRAYER :-For Anticipatory Bail in Crime No.225 of 2022 on the file
of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A8, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 294(d), 427 and 447 IPC and Section 4 of TN Prohibition of



Harassment of Women Act, 2002 in Crime No.225 of 2022
anticipatory bail.

2.The case of the prosecution is that on 06.06.2022, the petitioners trespassed in the land in S.No.10/15 to an extent of 4 acres 25 cents situated at Mullimunai, Karangkadu Revenue Group and harassed the de-facto complainant. Hence the complaint.

3.The learned counsel for the petitioners would submit that A1 and A2s' father, namely, Late.Muthuvairu have six sons and four daughters, including the de-facto complainant's father. A3, A4 and A8 are brother's son and daughter of the de-facto complainant's father and A5, A6 and A7 are the grandson of the de-facto complainant's father. The de-facto complainant's father Selvaraj was the elder son of the said Muthuvairu. The said Muthuvairu died before 1996 and thereafter, they were living as joint family and the de-facto complainant's father had taken charge to administrate the family. The Tamil Nadu Government has sponsored the land in question to the entire joint family. The said entire land sanctioned in the name of the father of the de-facto complainant. Unfortunately, the de-facto complainant's father died. Thereafter, the de-facto complainant is continuously taking steps to change their names in order to enjoy the scheme. Therefore, A3 filed a petition before this Court in Crl.O.P.(MD)No.10792 of 2022 and the same was disposed of on 24.06.2022. In these circumstances, the petitioners are continuously enjoying the subject property, but the respondent police registered the said false case against these petitioners. He would further submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the said land was allotted by the Government in the year 1996 in favour of the de-facto complainant's father Selvaraj and still now, the de-facto complainant is enjoying the property. On the date of occurrence, all the accused trespassed into the de-facto complainant's field and caused damage to the property worth about Rs.30,000/-. He would further submit that A5 is having seven previous cases and A8 is having two previous cases and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

5.The learned counsel for the intervenor would submit that it is not a joint family property. The property was assigned to the de-facto complainant's father under the scheme only. After the demise of her father, the de-facto complainant was enjoying the property. He would further submit that all the accused persons are illegally trying to grab the property and caused damage to the de-facto complainant's property and made a life threat to her. Hence, he strongly opposed to grant anticipatory bail.



5. Considering the above facts and circumstances of the case and also considering the damage of the property caused by the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

27/09/2022

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/10/2022

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 INSPECTOR OF POLICE
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.D.BALAMURUGAPANDI, Advocate SR.No.10599.

ORDER

IN

CRL OP(MD) No.12787 of 2022

Date :27/09/2022

SJI

MK/GB/SAR.II/20.10.2022/3P/4C