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

Reserved on : 13/09/2022
Pronounced on: 19/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) .No.13974 of 2022

1.Manikandan @ Salaimani
2.Salairaja @ Karthickraja
3.Mariammal
4.Nallathangal
5.Sankarapandi Anandhar ... Petitioners/Accused No.1 to 5

Vs

State represented through
The Inspector of Police,
Avaniyapuram police Station,
Madurai District.
(Crime No.402/22). ... Respondent/Complainant

V.Baskaran ... Petitioner/Intervener
(in Crl.M.P. (MD) No.10753/2022)

For Petitioners : M/s.S.Muniyandi, Advocate.

For Respondent : Mr.M.Veerandhiran
Government Advocate (Crl.Side)

For Intervenor : Mr.M.Sankar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.402/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-



Sections 147, 447, 427, 294(b), 506(ii) of IPC in Cr.No.402 of 2022, seek anticipatory bail.

2.The case of the prosecution is that one Ahmed Fatehali had handed over a property to the defacto complainant who is an advocate, for maintainance the defacto complainant put up a fence in the property. The petitioners herein have joined together damaged the fencing and threatened the complainant with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners submitted that the property belonged to the petitioners and only to grab the property, the defacto complainant has tried to put up a fence in the petitioners' property. When the same was questioned by the petitioner, the defacto complainant has lodged this false complaint against the petitioners. The petitioners have not committed any offence as alleged by the prosecution and pray the petitioners to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that there is a civil dispute between both the parties. The defacto complainant is an advocate. No previous case has been filed against the petitioners herein.

5.On the side of the intervener it is stated that the owner of the property one Ahamed Fatehally is residing in Bangalore. The accused persons have occupied the property of the said Ahamed Fatehally and make disturbance to the defacto complainant. A petition in W.P.(MD)No.8452 of 2022 was filed before this Court and this Court has ordered to survey the property with police protection. By taking advantage of the order, the accused persons, with the help of the police, are trying to grab the property of the Ahamed Fatehally by damaging the fence and pray the petition to be dismissed.

6.Considering the facts and circumstances of this case and considering the nature of offence, and considering that there is a civil dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, 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 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 for a period of two weeks and thereafter, as and when required for interrogation.

(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 petitioner 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/-

19/09/2022

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/09/2022

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

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TO

1. THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13974 of 2022

Date :19/09/2022

SP/SBN/SAR I/23/09/2022/3P/5C