



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

Friday, the Fourth day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10171 of 2022
IN
CRL OP(MD) No.7100 of 2022

DAVID PONPANDIAN
PRESBYTER AND PASTORATE CHAIRMAN,
CSI CHURCH COMPOUND, WOODVILE ROAD,
KODAIKANAL, DINDIGUL DISTRICT. ... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT

Vs

1 SALAMON

2 JEYANTHI

3 VICTORIA RANI .. RESPONDENTS/PETITIONER/
ACCUSED NOS.1 TO 3

4 ARUN

5 HELEN MARY .. RESPONDENTS/PETITIONER/
ACCUSED NOS.5 & 4

6 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION, KODAIKANALA,
DINDIGUL DISTRICT.
(CRIME NO.88/2022) ... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory bail petition which was granted in favour of R1 to R5 by this Hon'ble Court in Crl.OP(MD) No.7100/2022 by order dt.4/7/2022.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.AJMAL KHAN, Senior Counsel for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of MR.RAJA KARTHIKEYAN, Advocate for the respondents Nos.1 to 5 and of Mr.S.MANIKANDAN, Govt. Advocate



for Respondent No.6 the court made the following order:-

This petition has been filed seeking cancellation of the anticipatory bail, that was granted by this court in Crl.OP(MD) No.7100 of 2022, dated 04/07/2022 to the respondents herein.

WEB COPY

2. The facts in brief:-

The case in Crime No.88 of 2022 was registered by the 6th respondent police against the respondents 1 to 5 under sections 120 (B), 448, 294(b), 427, 506(ii), 465, 468 and 471 IPC. Seeking anticipatory bail, the respondents 1 to 5 moved Crl.OP(MD)No.7100 of 2022 before this court. It was heard by me and the de-facto complainant was also permitted to intervene and accordingly, an order was passed, on 04/07/2022 granting anticipatory bail to all the accused persons on the ground that since the re-transfer of the patta in respect of the disputed property in favour of the de-facto complainant was stayed by this court in WMP(MD)No.3535 of 2022 in WP (MD)No.4110 of 2022.

3.After the above said order, now this petition has been filed seeking cancellation of the anticipatory bail on the ground that taking advantage of granting the anticipatory bail, the respondents 1 to 5 are repeatedly making trouble, causing damage and disturbing the inmates of the premises from taking water, from entering the premises and maintaining the same.

4.When the matter was taken up for hearing, the 6th respondent, who is the Investigating Officer is also present before this court and he has stated that subsequent to the above said granting of the anticipatory bail, frequent trouble arose between the parties, over which subsequent FIR has also been registered against the respondents 1 to 5.

5.Now the grievance of the petitioner is that defying the affidavit filed by the petitioner, on 19/10/2022, it has been stated that the respondents prevented the supply of water to the school staff and the main gate was closed by them. One pipe line was severed and the water connection was cut. The workers were prevented from putting up the CTV cameras outside the bungalows occupied by the school staff and the workers were prevented from doing the maintenance work. The workers were attacked, over which CSR Nos.643 and 702 of 2022 were registered.

6.In respect of the attack upon the workers, FIR in Crime No.226 of 2022 was registered. In respect of the occurrence, on 31/07/2022, a case in Crime No.207 of 2022 was registered. In the above said occurrence, a Senior Member of the Management was also assaulted. So according to the petitioner, the anticipatory bail, that was granted to the respondents 1 to 5 must be cancelled.



7. Noting the continuous trouble exists between the parties, the respondents 1 to 5 were directed to file an undertaking affidavit. Since, the writ petition is pending before this court, till the outcome of the writ petition order, both must maintain the peace in that premises. To ensure the above maintenance peace, the above said direction was issued to the respondents 1 to 5 to file an affidavit and that was also filed by them. But in the affidavit, there is no clear indication that they will not make any trouble to the school administration, maintenance of water supply, ingress and egress through the main gate and maintenance of the premises, etc. So, again the matter was listed for clarification and at that time, the learned counsel appearing for the respondents 1 to 5 has submitted that undertaking that was given to the court may be placed on record.

8. It appears that a portion of the disputed land is in the occupation of the AI and the remaining portion is in the possession of the school administration. The entire premises got only one drinking water well and a single main gate. So in such circumstances, the respondents 1 to 5 should not make any trouble to the inmates, disturb from taking drinking water and the maintenance of the premises. So, the grievance that has been expressed by the petitioner seems to be reasonable.

9. As usual, the respondents 1 to 5 make some allegation against the petitioner as if they are trying to establish the right over the disputed property, taking water to unconnected area and the police was also on the side of the school administration.

10. In para 4 of the affidavit filed by the 1st respondent, on 17/10/2022 runs like this:-

"4. It is submitted that on 29.09.2022 the Kodai International's Manager and more than 20 muscle powered men entered into my property and attempted to take possession by violence and illegal force with support of police, it is pertinent to state here that the CSI church and the Kodai International School administration was having well knowledge about the direction of this Hon'ble court that I have to undertake and file affidavit that I should not disturb the peaceful living conditions of residents/staff of Kodai international school at Arcotia north bungalow, in survey number 6 of Kdaikanal. While being the circumstance, the Kodai international school engaged more than 20 muscle powered men entered up my property premises and attempted to take possession of the property is nothing but they have not honour this Hon'ble court direction and they themselves had taken law their own hands."



11. In the light of the above said contra fact that was stated by the petitioner and the first respondent in their respective affidavit at that time of hearing, this court stressed upon the parties to the effect that both of them must maintain peace in the premises till the disposal of the writ petition.

12. The learned Senior counsel appearing for the petitioner would submit that he would maintain the peace and the respondents counsel would also submit that he would also maintain the peace and will not disturb the staff to undertake the clearing operation and also will not disconnect the water supply, etc. and he will not lock the gate finding that there are three structures.

13. This petition is disposed of by recording the following:-

(i) The undertaking given by the first respondent to the effect that he will not make any trouble to the petitioner to draw the water and supply the same to the school premises is placed on record.

(ii) The main gate to the premises may not be disturbed or closed or prevented from using the same as ingress and egress by the petitioner and staff attached to the petitioner's Trust; and

(iii) The respondents shall not cause any trouble to the staff and inmates who are occupying the neighboring quarters and preventing the staff members from carrying on the maintenance work in the campus.

14. This **petition stands disposed of** with the above said terms.

sd/-
04/11/2022

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, KODAIKANAL.

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



3 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION, KODAIKANALA,
DINDIGUL DISTRICT.

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

ORDER
IN
CRL MP(MD) No.10171 of 2022
IN
CRL OP(MD) No.7100 of 2022
Date :04/11/2022

TR/BUC/SAR-II(23.01.2023) 5P 5C