



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2022

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PRESENT

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

CRL OP(MD). No.18770 of 2022

1. Muthupandi
 2. Pandi @ Pandidurai
 3. Marisamy
 4. Rajkumar
 5. Palanisamy
 6. Rasamani @ Rasamani Aasari
 7. Ramar
 8. Jeyaraj
 9. Esakki @ Esakkiammal
 10. Sudalaikani
 11. Kalyani
- ... Petitioners/Accused No.1 to 11

Vs

- 1.The State rep. By,
The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
(Crime No.195 of 2022).
... Respondent/Complainant
- 2.M.Ponnuchamy
...Petitioner/Defacto Complainant
in Crl MP(MD)No.13574 of 2022

For Petitioner : M/s.Veerapandi.S.P.,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

<https://www.mhc.tn.gov.in/judis> For Intervenor : Mr.R.Shankar Ganesh, Advocate



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

PRAYER :-

For Anticipatory Bail in Crime No.195 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A11, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 427 and 506(i) IPC, in Crime No.195 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is enjoying the property of Government Poromboke land and hence, the petitioners have questioned the same. Due to which, there was a wordy quarrel arose between them, the petitioners abused the de-facto complainant in filthy language and also damaged the fence worth about Rs.1,50,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that this is the petitioners' second anticipatory bail application and the earlier application was dismissed by this Court, dated 27.09.2022 in Crl.O.P.(MD)No.16725 of 2022. He would further submit due to civil dispute, a false case was foisted against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that there was a civil dispute between the parties, the petitioners have damaged the de-facto complainant's property worth about Rs.1,50,000/- and also threatened him with dire consequences. He would further submit that the first petitioner/A1 name was deleted from the First Information Report and the petitioners' earlier application was dismissed by this Court dated 27.09.2022 in Crl.O.P.(MD)No.16725 of 2022. He would further submit that the second petitioner is having three previous cases and the petitioners 3 to 11 are having no previous case. However, considering the gravity of offence, he prayed for dismissal of this petition.

5.The learned counsel for the intervenor would submit that the property belonged to the de-facto complainant and the real estate people in the village were trying to purchase the above said property and on the refusal of the de-facto complainant's family, they instigated the villagers and trying to grab the de-facto complainant's family property and hence, he strongly opposed to grant anticipatory bail.



6. Since the first petitioner/A1 name was deleted from the FIR, this petition is dismissed as against the first petitioner is concerned.

7. Considering the facts and circumstances of the case and also considering the charges levelled against the petitioners 2 to 11, this Court is inclined to grant anticipatory bail to the petitioners 2 to 11 with certain conditions.

6. Accordingly, the petitioners 2 to 11 shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime No.195 of 2022 before the learned Judicial Magistrate, Sivagiri,** without prejudice to their rights and contentions before the trial Court.

7. On such deposit being made, the petitioners 2 to 11 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, on condition that the petitioners 2 to 11 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 on further conditions that:

(a) the petitioners 2 to 11 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 2 to 11 shall report before the Inspector of Police, Tirunelveli Town Police Station, Tirunelveli District daily at 10.30 am until further orders.

(c) the petitioners 2 to 11 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 11 shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 to 11 in accordance with law as if the conditions have been imposed and the petitioners 2 to 11 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/11/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE, SIVAGIRI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

copy to

THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-12689[I] dated 09/11/2022)

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-12702[I] dated 09/11/2022)

ORDER
IN
CRL OP(MD) No.18770 of 2022
Date : 08/11/2022

RK/TR/SAR-4 (17/11/2022) 4P/8C