



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04.03.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.20321 of 2021

1. K.Muniyasamy
2. Ramasamy
3. Muniyammal
4. Shamugathai

... Petitioners/Accused Nos.1 to 4

Vs

State through
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.478 of 2021)

... Respondent/Complainant

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

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

For Intervenor : Mr.C.M.ARUMUGAM, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.478 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(1) IPC and Section 3(1) of TNPPDL Act, in Crime No.478 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there existed land dispute between the parties, the petitioners damaged the fencing of the defacto complainant and when the same was questioned by the defacto complainant, the petitioners abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner filed a civil suit in O.S.No.1 of 2022 for permanent injunction restraining the defendants therein from



interfering with the petitioners' peaceful possession and enjoyment of the suit properties and also for other reliefs.

4.The learned counsel for the intervenor would submit that the property in question pertained is owned by the defacto complainant and that the petitioners trespassed into the land and also by removed the survey fencing and caused damages.

5.The learned Government Advocate (Criminal Side) would submit that the first petitioner is having two previous cases, that the petitioners 3 and 4 are having one previous case and that the second petitioner is not having any previous cases.

6.Considering the above facts and circumstances and also the facts that no one was injured in the incident and that there existed civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Kadaladi.

8.On production of such receipt/acknowledgment, the petitioners 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, Kadaladi, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners 1 and 2 shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation and the petitioners 3 and 4 shall report the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 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]***.
[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/03/2022

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/ /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 JUDICIAL MAGISTRATE, KADALADI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

- +1. CC to M/S.DEVASENA.S Advocate SR.No.1744
+1 cc to Mr.C.M.ARUMUGAM, Advocate, SR.No.1801

**ORDER
IN**

CRL OP(MD) No.20321 of 2021
Date :04/03/2022

SA/VR/SAR.4/15.03.2022/3P/8C