



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P (MD) No.21671 of 2022

WEB COPY

- 1.Perumal
- 2.Chinnasamy
- 3.Selvaraj @ Thangasamy
- 4.Kannaiya
- 5.Govindan @ Govintharaj P.
- 6.K.Natchammal

... Petitioners/Accused No.1 to 6

-Vs-

The State Rep.By
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
(Cr.No.483 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.483 of 2022 on the file of the Respondent Police.

For Petitioners	: Mr.N.Anandakumar, Advocate
For Respondent	: Mr.P.Kottai Chamy Government Advocate (Crl.side)

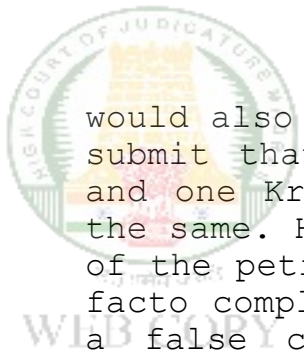
ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 353 and 506(i) IPC in Crime No.483 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Manikandan, is that one Krishnamoorthy had obtained an order in W.P. (MD)No.18962 of 2021 to survey his property in S.Nos.33/A1, 46, 47 and 62/2 in Kollapatti village. On 15.09.2022, when the de-facto complainant along with the officials have gone there, the accused had created problem. Once again, on 07.11.2022, he along with the staff and VAO had gone to the place to survey the property, at that time the accused had quarrelled with him and abused him with filthy language and prevented him from discharging his official duty. Hence, the complainant.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He

<https://www.mhc.tn.gov.in/judis>



would also submit that the petitioners are family members. Id submit that there are civil suits pending between the petitioners and one Krishnamoorthy and the said Krishnamoorthy and suppressing the same. He has obtained an order to conduct survey behind the back of the petitioners. Without any notice to the petitioners, the de-facto complainant had come to the place and when it was questioned, a false complaint has been given, as if the petitioners have prevented him from discharging the official duty. The learned Counsel for the petitioners would submit that the petitioners do not have any criminal record and they are ready to abide by any stringent conditions, that may be imposed on them.

4.The learned Government Advocate (crl.side) would submit that when the de-facto complainant along with his staff members have gone to conduct to survey, pursuant to the order passed by this Court, the petitioners have abused him and also prevented him from discharging the official duty and he he opposes to grant anticipatory bail.

5.Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate Court, Vedasandur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 1 to 5 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders and the petitioner No.6 shall report before the respondent Police, as and when required.

[c] the petitioners shall not tamper with 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 imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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 229A IPC.

sd/-

08/12/2022

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VEDASANDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANANDAKUMAR.N Advocate SR.No.14610

ORDER

IN

CRL OP(MD) No.21671 of 2022
Date :08/12/2022

cmr

SA/SSS/SAR.2/15.12.2022/3P/6C