



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21702 of 2022

Petchimuthu

...Petitioners/Sole Accused

-vs-

State through represented by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
(in Cr.No.664 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the Petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.664 of 2022.

For Petitioner : Mr.K.Anand, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 341, 294(b) and 506(i) IPC in Crime No.664 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Mariselvam, is that he is the Legal Advisor of Dharmapuram Aatheenam, and the accused had encroached upon the property of the Dharmapuram Aatheenam and thereby, he had, on instructions from the Dharmapuram Aatheenam, filed a case against the petitioner for evicting him. While so, on 01.12.2022, when he had gone to the office of HR & CE Department regarding the case, the accused had criminally intimidated him and demanded Rs.60,00,000/-, from him, saying that if he does not withdraw the case, he would be done to death and hence, the complaint.



3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complainant has been given against him. He would further submit that the disputed property is owned by Tirunelveli Corporation and that he has been paying taxes to the Corporation and he is having a petty shop in that area. However, the administration of Dharmapuram Aatheenam, claims that it is their property. While so, the de-facto complainant has given a false complaint and under the threat of arrest, he is attempting to evict the petitioner from the place. He would further submit that the petitioner has no previous case against him.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is an encroacher of the property of Dharmapuram Aatheenam. He would further submit that the petitioner has threatened the Legal Advisor of Dharmapuram Aatheenam and demanded Rs.60,00,000/-. He opposes to grant anticipatory bail.

5.Taking into consideration the facts and circumstances of the case and on perusing the records, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Tirunelveli, 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 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 petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30 am until further orders.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions



have been imposed and the petitioner released on bail by the 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 229A IPC.

sd/-
08/12/2022

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

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TO

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

ORDER
IN
CRL OP(MD) No.21702 of 2022
Date :08/12/2022

RK/BUC/SAR-1 (21/12/2022) 3P/5C