



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22093 of 2022

1. C.Karuppusamy
2. S.Gayathri
3. C.Maniammal
4. C.Muthukaruppan
5. C.Packyaraj
6. P.Theivakani
7. P.Pitchaiammal
8. V.Karadiyappan

... Petitioners/Accused Nos.1 to 8

Vs

The State rep.by
The Inspector of Police,
Nagamalaipudhukottai Police Station,
Madurai
(Crime No.385 of 2022).

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.385 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 341, 323, 427, 447, 448, 506(i), 109 of I.P.C, in Crime No.385 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that there was a civil dispute between the parties, over which, the accused persons criminally trespassed into the property of the defacto complainant and caused damages to the properties and also threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them. The first petitioner's father was a cultivating tenant under the defacto complainant and the defacto complainant attempted to evict him, without due process of law. Therefore, the third petitioner has filed a civil suit in O.S.No.272 of 2022, on the file of District Munsif Court, Thirumangalam, against the defacto complainant. Therefore, the defacto complainant lodged this complaint, by giving criminal colour to the civil dispute. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that there was a civil dispute between the parties and in this regard, a suit also pending. In this case, the accused persons were abused and caused damages to the properties of the defacto complainant. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the nature of civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.VI, Madurai**, 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b)the petitioners 1, 4, 5, 8 shall report before the respondent Police daily at 10:30 a.m., for a period of two weeks, thereafter, on every Saturday at 10:30 a.m., until further orders and the petitioners 2, 3, 6, 7 shall report before the respondent Police daily at 10:30 a.m., for a period of two weeks, thereafter, as and when required for interrogation;

(c)the petitioners shall not tamper with the 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 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]**; and; (f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/12/2022

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/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
NAGAMALAIPUDHUKOTTAI POLICE STATION,
MADURAI.

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

+1. CC to M/S.VIJAYAKUMAR. S Advocate SR.No.14986

ORDER

IN

CRL OP(MD) No.22093 of 2022

Date :14/12/2022

PNM

USK/VR/SAR.III/21.12.2022/3P/6C