



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

PRESENT

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

CRL.O.P (MD) No.114 of 2023

WEB COPY

- 1.Murugan
- 2.Ramasamy
- 3.Masanam
- 4.Sabarish
- 5.Sundari @ Shanmugam Subbaiya
- 6.Subbaiya
- 7.Pattankaraiyal Chellaiah

... Petitioners/Accused No.1 to 7

-vs-

State represented by
The Sub Inspector of Police,
Panagudi Police Station,
Panagudi, Tirunelveli District.
(Cr.No.459 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.459 of 2022 on the file of the respondent Police.

For Petitioners	: Mr.S.Palani Velayutham, 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, 427 and 379 of IPC in Crime No.459 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to previous enmity, the petitioners and other accused have illegally trespassed into the de-facto complainant's land and damaged and stolen the asbestos sheet of the shed. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents. He would also submit that there was a pathway dispute pending between the parties for the past three years and due to which, a false complaint has been given. He would also submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them.



4.The learned Government Advocate (crl.side) would submit that the petitioners have trespassed into the de-facto complainant's land and damaged and stolen the asbestos sheet of the shed in his land. He would oppose for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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, Valliyoor, Tirunelveli District, on condition that the petitioners shall execute 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 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 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.

[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 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 229A IPC.

sd/-

05/01/2023

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/01/2023

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

cmr



To

1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE, PANAGUDI POLICE STATION, PANAGUDI,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.PALANI VELAYUTHAM S, Advocate (SR-405[I] dated
09/01/2023)

ORDER

IN

CRL OP(MD) No.114 of 2023

Date :05/01/2023

RS/SSS/SAR.3(23.01.2023) 3P-6C