



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/01/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.450 of 2023

1. Ram Kumar
2. Palavesam @ Esakkimuthu ... Petitioners/Accused
Rank Not Known

Vs

State rep.by
The Sub Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
(Crime No.459 of 2022). ... Respondent/Complainant

For Petitioners : M/s.Palani Velayutham 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.459 of 2022 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 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 criminally trespassed into the de-facto complainant's land and caused damages and also stolen the iron 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. The co-accused were already enlarged on anticipatory bail as per order of this Court in CrI.OP(MD)No.114 of 2023, dated 05.01.2023.

4. The learned Government Advocate (crl.side) would submit that the petitioners have trespassed into the de-facto complainant's land and damaged and also stolen the iron 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 on perusing the materials available on record including the F.I.R. and also considering the fact that the co-accused were already enlarged on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned **Judicial Magistrate, Valliyoor, Tirunelveli District**, on condition that the petitioners shall execute a 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
09/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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.No.407

ORDER
IN
CRL OP (MD) No.450 of 2023
Date :09/01/2023

SP/BUC/SAR I/19/01/2023/3P/6C