



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.7516 of 2023

1. Chanthiran

2. Kanagaraj

3. Mathiyalagan ... Petitioners / Accused No.1 to 3

Vs

The State rep by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

(Crime No.415 of 2022.) ... Respondent / Complainant

For Petitioner : M/s.Sukumar S, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

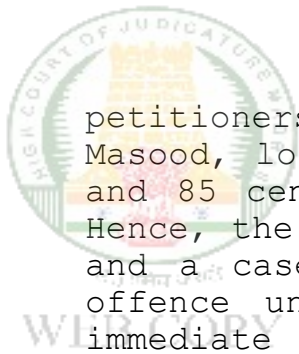
PRAYER :-

For Anticipatory Bail in Crime No.415/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 420 and 468 of I.P.C., in Crime No.415 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that a land to an extent of 10 acres in S.No.969/1, 3A of Kambaneri Pudukudi Village Part-II, has belongs to Tamil Nadu Small Industries Development Corporation Limited and the Corporation has allotted lands to small industries to run their industry. In this regard, the corporation has allotted Industrial Plot Nos.19 and 20 to one Syed Masood for running his business. While so on 11.07.2002 at about 06.00 p.m., the



petitioners herein trespassed into the land allotted to Masood, locked the shop and fenced the land to an extent of 1 acre and 85 cents in S.No.969/1 of Kambaneri Pudukudi Village Part-II. Hence, the complaint has been preferred before the respondent police and a case has been registered in Crime No.242 of 2022 for the offence under Section 145 of Cr.P.C. and it is further alleged immediate to survey the land by the revenue authorities, the petitioners once again trespassed into the lands belongs to the Corporation and fencing the same. Hence, the present complaint.

3.Heard. Perused the materials available on record including the First Information Report.

4.According to the case of the prosecution, the petitioners fabricated documents and obtained patta in respect of the subject property. However, the de-facto complainant did not show any document to prove that he is the owner of the property. That apart, all the issues are civil in nature and as such, the custodial interrogation of the petitioners do not require in this case.

5.Considering the above 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, Tenkasi, 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 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:

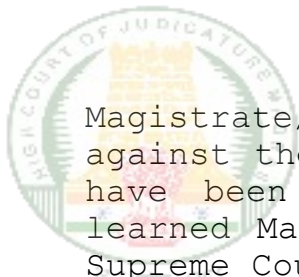
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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.

<https://www.mhc.tn.gov.in/judon> In 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].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/04/2023

/ TRUE COPY /

/05/2023

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

SJI

To

1.The Judicial Magistrate,
Tenkasi.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SUKUMAR S, Advocate (SR-6432[I] dated 24/04/2023)

ORDER

IN

CRL OP(MD) No.7516 of 2023

Date :24/04/2023

ED/CG/SAR-4 (04/05/2023) 3P 6C