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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/08/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12220 of 2023

1.R.Shankar

2.Seethalakshmi

3.Athiakshmi @ Lakshmi

... Petitioners/ Accused Nos.1 to 3

Vs

The State, represented by
The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti, Thoothukudi District.
Crime No.214 of 2023.

... Respondent/Complainant

For Petitioner : Ms.Lakshmi Gopinathan, Advocate
for M/s.ROLAX LEGAL SOLUTIONS

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

For Intervenor : Mr.K.Sivabalan, Advocate
for Mr.M.Prabhu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.214/2023 on the file of the Respondent police.



ORDER: The Court made the following order :-

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The petitioners/Accused Nos.1 to 3, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Sections 294, 506(i), 448 IPC and Section 3 of TNPDL Act, in Crime No.214 of 2023 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the accused herein trespassed into the property belongs to the defacto complainant and damaged the wall of the building. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. Further, the second petitioner has filed a suit in O.S.No.116 of 2019 before the District Munsif Court, Kovilpatti, which is still pending. In A.S.No.8 of 2015, this petitioner has been arrayed as one of the parties.

4. Pending the above said civil issue, it appears that the allegation is made to the effect that the damage of compound wall was made by the petitioner. To whom the above said property belongs is the matter for consideration by the trial Court.

5. The learned counsel for the petitioner would submit that the above said compound wall was aged about 60 years, that was also in the damaged condition. In



order to avoid danger to the people only, the accused demolished the said compound wall.

6. According to the learned counsel for the defacto complainant, the above said property belongs to the defacto complainant and in 2015 itself the title of the vendor of this petitioner has been decided.

7. Whatever it may be, since the civil matter is pending before the concerned Court, the parties have to face the same.

8. The learned counsel for the petitioners has come forward to deposit the portion of the disputed cost of the wall.

9. Considering the facts and circumstance of this case and also considering that the petitioners are ready to deposit the portion of disputed cost of the wall, this Court is inclined to grant anticipatory bail to the petitioners on condition;

10. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit Rs.60,000/- jointly to the credit of this Cr.No.214 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

11. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Kovilpatti, on condition that the petitioners shall execute a bond for



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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.

12. 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/-
09/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

indu
TO

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



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ORDER
IN
CRL OP(MD) No.12220 of 2023
Date :09/08/2023

SS/BUC/17/08/2023/5P/5C

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