



CRL OP(MD). No.12389 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.07.2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12389 of 2023

1. Mohamed Basak @ Mohamed Barook,

2. Murugaselvam,

3. Murugan,

... Petitioners/ Accused Nos. 1 to 3

Vs

The State, represented by
The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
(Crime No.78 of 2023).

... Respondent/ Complainant

For petitioners : Mr. Ilanchezhian.V, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.78 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



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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 109, 448, 294(b), 506(ii) of IPC, in Crime No.78 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's company had purchased a land and the above said lands were in possession and enjoyment of the said company. On 17.04.2023, the petitioners 2 and 3 entered into the land, fenced the way at the instigation of the first petitioners and caused disturbances for the transport of inputs to the company, when the same was questioned by the defacto complainant, the petitioners had abused and gave life threat to him. Hence, the complaint.

3. The learned counsel for the petitioners submitted that petitioners are innocent and they have been falsely implicated in this case. Further, he would submit that on 10.04.2023, the first petitioner made a complaint against one Mohamed Zahir, stating that the first petitioner had paid the amount for purchase of the above land, but the said person had neither sold the land or repaid the amount.



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But on the other hand, the said person sold the property to the defacto complainant.

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4. The learned Additional Public Prosecutor for the respondent Police submitted that it is the issue between the purchaser of the property and the original vendor and it is a case and counter case. There is no previous case is pending against the petitioners.

5. Even though in the First Information Report, it has been stated that the damage was caused to the fencing, the respondent Police is present before this Court and stated that no such damage has been caused to the fencing.

6. Considering the facts and circumstance of this case and considering that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Kadaladi, on condition that the petitioners shall



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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.

8. 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/-
07/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE,
KADALADI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



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3 THE INSPECTOR OF POLICE
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.V.ILLANCHEZIAN, Advocate (SR-10386[I] dated 07/07/2023)

ORDER
IN

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Date :07/07/2023

PKP/MMS/SAR- /25.07.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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