



CRL OP(MD)No.12955 of 2023

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

Date : 21/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN  
CRL OP(MD)No.12955 of 2023

- 1.Balasubramanian
- 2.Moorthy
- 3.Sathiskumar
- 4.Vijaykumar
- 5.Sangilimuthu
- 6.Bala Subramanian
- 7.Kumar
- 8.Sarath kumar
- 9.Dharmaraj
- 10.Sudhakar
- 11.Kathir

... Petitioners / Accused Nos.1 to 11

Vs

State represented by  
The Inspector of Police,  
Navalpattu Police Station,  
Trichy District.  
(In Crime No.149 of 2022)

... Respondent/Complainant

|                 |   |                                                     |
|-----------------|---|-----------------------------------------------------|
| For Petitioners | : | M/s.S.Ramsundarvijayraj, Advocate                   |
| For Respondent  | : | Mr.R.Suresh Kumar<br>Government Advocate (Crl.side) |
| For Intervener  | : | Mr.J.William Christopher                            |

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

PRAYER :-

For Anticipatory Bail in Crime No.149 of 2022 on the file of the respondent police.



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**ORDER :** The Court made the following order :-

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The petitioners / Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 341, 506(2) of IPC in Crime No.149 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that pending civil suit between the parties in O.S.No.270 of 2022, the present occurrence has been taken place. The complaint was given by one of the defendants in the suit namely Murugesan / the defacto complainant, against this petitioners stating that they are in possession of the property and on the date of the occurrence, the accused trespassed into the property and caused damage to the bunds which was put up by them between the lands. Apart from that they also caused some damage to the paddy crops. A suit is filed by the ninth accused namely Dharmaraj against the defacto complainant and others, for permanent injunction and for cost.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. Hence, seek for the relief of anticipatory bail.

4. The learned counsel for the defacto complainant submitted that because of



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the damage caused to the bunds they are not in a position to cultivate the same.

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5. The learned Government Advocate (Crl.side) would submit that the petitioners have damaged about 3 acres of land belonging to the petitioner which was ready for planting paddy crops.

6. Since civil suit is pending, if any damage is caused by the petitioners to the aforesaid bund, the defacto complainant can very well claim damage in the suit itself. Apart from that the petitioners shall also deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Crime No.149 of 2022 before the concerned trial Court. With a condition to deposit the above said sum, this Court is inclined to grant relief to the petitioners.

7. 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.III, Trichy, on condition that the petitioner 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.

8. The petitioners shall appear before the concerned Magistrate within a period



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of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-  
21/07/2023  
/ TRUE COPY /

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

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To

1 THE JUDICIAL MAGISTRATE NO.III, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, NAVALPATTU POLICE STATION,  
TRICHY DISTRICT.

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

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate ( SR-11109[I] dated  
21/07/2023 )

ORDER  
IN  
CRL OP(MD) No.12955 of 2023  
Date :21/07/2023

RS/MR/SAR-(31.07.2023) 4P 6C  
Madurai Bench of Madras High Court is issuing  
certified copies in this format from 17/07/2023