



CRL OP(MD). No.13213 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13213 of 2023

and

Crl.M.P(MD) No.10733 of 2023

1.R.Saravanakumar

2.R.Senthil Kumar

... Petitioners/ Accused Nos.1 and 2

Vs

State Rep.by

The Inspector of Police,

Melur Police Station,

Madurai District.

Crime No.470 of 2023.

... Respondent/ Complainant

P.Kamurudeen

... Petitioner/ Intervener

in CRL MP(MD).10733/2023 in CRL OP(MD).13213/2023

For Petitioner : Mr.Saravanan, Senior Counsel,
for Mr.R.Chandrasekar, Advocate

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

For Intervenor : Mr.S.Saravanakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.470/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 447, 427, 294



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(b), 506(ii) I.P.C., in Crime No.470 of 2023 on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that there is civil dispute between the defacto complainant and the petitioners. On 13.07.2023 the petitioners along with other accused damaged the compound wall of the M/s.R.R.Granites with JCB. When the defacto complainant attempted to prevent the demolition, the first petitioner attempted to assault him with a crowbar and scolded him using filthy language. 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.

4. In pursuance of the order passed by this Court, measurement was undertaken. During the measurement, the Revenue Officials found that the damaged compound wall situated in S.F.No.218/18 at Thercku Theru Village, Melur Taluk, it runs to S.F.No.218/19. It is further submitted that in S.F.No.218/18, the land about 0.00.50 ares standing in the name of this petitioner. S.F.No.218/19 measurement about 0.005 Ares is standing in the name of National Highways Department. A portion of the compound wall situated in S.F.No.218/18 measuring about 19.4 metres have been demolished. But originally, in respect of the property that was acquired by the Government situated in S.F.No.218/19, compensation was received by the defacto



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complainant's owner.

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5. Now the grievance of the defacto complainant is that direction may be issued to the petitioner herein to give an undertaking that he will not make any encroachment upon the defacto complainant's owner's property.

6. For the above said also, the learned Senior Counsel undertakes that the petitioner will not make any further trouble with regard to the above said property, which is owned by the defacto complainant's owner.

7. Recording the above said undertaking, 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, Melur, 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.

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.

9. The defacto complainant is at liberty to workout his remedy through



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appropriate proceedings in the manner known to law. Consequently, connected

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Miscellaneous Petition is allowed.

sd/-

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/10/2023

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

Indu

TO

1 THE JUDICIAL MAGISTRATE, MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, MELUR POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.CHANDRASEKAR, Advocate (SR-13748[I] dated 15/09/2023)

+1 CC to M/s.S.SARAVANA KUMAR, Advocate (SR-13712[I] dated 15/09/2023)

ORDER IN

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Date :14/09/2023

RS/JGB/SAR-(12.10.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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