



CRL OP(MD). No.13851 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13851 of 2023

Sornamudi Pandian @ Sorna Pandian

... Petitioner/Sole Accused

Vs

The State, represented by
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
(Crime No.137 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.C.Saravanakumar,Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.137 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 447, 427, 379 of I.P.C, in Crime No.137 of 2023 on the file of the respondent Police, seeks anticipatory

bail

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



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2. The case of the prosecution is that the above said defacto complainant's temple property was leased out to this petitioner's father. The temple authority filed application to evict the petitioner's father from the above said property and the same was allowed on 18.11.2015. On the basis of eviction order, E.P.No.106 of 2021 was filed against the petitioner and his father. On 29.11.2022, the possession of the above said property was taken by the temple authority. After recovered the possession, the petitioner trespassed into the above said property and illegally taken banana punch without permission from the temple authority. Hence, this complaint.

3. The learned counsel for the petitioner would submit that the execution proceedings were initiated by the defacto complainant and property's possession was also taken. At that time, the allegation has been made to the effect that this petitioner trespassed into the above said property and taken away the banana, but the above said banana was not planted by the defacto complainant.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that it is the issue between the land lord and erstwhile tenant.

5. Considering the facts and circumstances of this case and considering that the petitioner is ready to file an undertaking affidavit that he will not make trouble to the defacto complainant in future, this Court is inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Cheranmahadevi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall also file an undertaking affidavit before the trial Court that he will not indulge in any offence in future and the petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously. If any case is registered against the petitioner in future, the bail that has been granted in this case, will stand automatically cancelled without reference to this Court.

7. The petitioner 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/-
28/07/2023

/ TRUE COPY /

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

INDU



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TO

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1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.C.SARAVANA KUMAR, Advocate (SR-11465[I] dated 28/07/2023)

ORDER

IN

CRL OP(MD) No.13851 of 2023

Date :28/07/2023

PKP/VRS/SAR- /08.08.2023/ 4P/6C

Madurai Bench of Madras High Court is issuing certified
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