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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 14/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.OP(MD)No.14229 of 2023

1.Manikandan
2.Karuppuraja
3.Illayaraja

: Petitioners/A1 to A3

Vs.

State rep. by
The Inspector of Police,
Vikramangalam Police Station,
Madurai District.

(Crime No.113 of 2023) : Respondent/Complainant

For Petitioners : Mr.P.Balan

For Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

For Intervenor : M/s.Jessi Jeeva Priya.P

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

PRAYER:-For Anticipatory Bail in Crime No.113 of
2023 on the file of the Respondent Police.



fire, caused damage to the flower plants and coconut trees worth about Rs.4,50,000/-. When that was questioned by him, all the accused persons criminally intimidation him. Upon which, the above said case was registered for the offences stated above.

3. Seeking anticipatory bail, this petition has been filed by the petitioners stating that because of the above said civil issue, this false complaint has been given by the de-facto complainant.

4. Heard both sides. Intervenor is also come on record.

5. The learned counsel appearing for the Intervenor would straight away rely upon the earlier complaint given by him against the petitioners herein. The first complaint is dated 28/04/2021. That was enquired in CSR No.32 of 2021. Another complaint was given, on 13/01/2022 and that was enquired in CSR No.4 of 2022. The 3rd complaint was given, on 08/11/2022 and enquired in CSR No.313 of 2022.



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6. Reading of the above said complaints and enquiry file shows that both are neighbouring land owners. At one point of time, the de-facto complainant namely Duraisingam gave a statement that by measuring the property they will resolve the issue and the first petitioner has also given statement stating that the de-facto complainant alleged to have encroached the property in Survey No.100/5A7 during cultivation. So from the above said previous enquiry, it is seen that because of the land issue, continuous trouble exists between the parties.

7. So far as the fire accident is concerned, this is not the first occurrence. In the complaint, dated 08/11/2022, he has stated that the coconut trees and PVC pipes were set on fire by the first namely Manikandan and Philip Murugan. At the village level, there was a compromise.

8. With regard to patta proceedings, it is stated that it is pending before RDO. Pending the above said proceedings, on 06/11/2022 the above said Manikandan and



other persons damaged the land and caused damage worth about Rs.25,000/-. That was also enquired. In the course of the enquiry, on the basis of the undertaking given by the first accused, it was withdrawn by the de-facto complainant and steps have been taken by the de-facto complainant to measure the property also. According to the de-facto complainant, survey was conducted and during the course of survey only, the above said encroachment came to light. Challenging the above said proceedings, case is pending before the DRO. Pending the above said enquiry, this fire accident said to have taken place, on 30/07/2023.

9. Even though, it has been submitted by the learned counsel appearing for the petitioners that continuous false complaints have been given by the de-facto complainant, but the photographs as well as the observation mahazar prepared by the respondent during the course of the investigation, indicates that there is *prima facie* ground for implicating these petitioners into the above said offence.



10.The learned counsel appearing for the intervenor/de-facto complainant would submit that the first accused and his relatives are working in the Police Department, taking advantage of their position only, no arrest has been made so far.

11.To whom, the disputed property belongs is a matter for consideration not only by the Revenue Officials, but also by the Investigating Officer. Both of them claim, rival claim over the disputed land. Without resolving the issue through the proper civil forum, it appears that the petitioners alleged to have caused extensive damage by setting the coconut and others, on fire. The offence of this nature should not be taken lightly.

12.So, I find no merit to entertain this petition. Accordingly, this criminal original petition stands **dismissed.**

14/08/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
Vikramangalam Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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Crl.OP (MD) No.14229 of 2023

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