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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.16946 & 16951 of 2023

1. Manivasagam,

2. Subbaiah,

3. Murugesan

... Petitioners/ Accused 2 to 4
in Crl.O.P.(MD).No.16946 of 2023

Alagappan

... Petitioner/ Accused No.1
in Crl.O.P.(MD).No.16951 of 2023

Vs

The State represented by
The Inspector of Police,
Panayapatti Police Station,
Pudukkottai District.
Crime No.71 of 2023..

... Respondent/ Complainant
in both petitions

For Petitioner : M/s.Kasuhikan M,
Advocate.
In Crl.O.P.(MD).No.16946 of 2023
M/s.A.Arul Jenifer,
Advocate.
In Crl.O.P.(MD).No.16951 of 2023



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For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)
In both petitions
For Intervenor : Mr.S.Alagusundar, Advocate
in both petitions

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.71 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused No.2 to 4 & 1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 447, 427 and 506(ii) of IPC, in Crime No.71 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant enjoyment natham land and revenue authorities made attempt to evict him. With regard to the above said land, he filed suit and writ petition. In writ petition, direction was issued to the Revenue Authorities not to dispossess the defacto complainant pending suit. However, on 12.09.2023, the named accused along with few others have trespassed and demolished the shed belongs to the defacto complainant. Hence, the complaint.



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3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that there is a land dispute between the parties.

5. Considering the nature of offence, the overt act attributed against the petitioners and the damages caused by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners on payment of costs.

6. Accordingly, both Criminal Original Petitions are allowed on condition that the petitioners shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Cr.No.71 of 2023 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

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, Thirumayam, Pudukkottai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with



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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.

7. 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 petitions for anticipatory bail stands dismissed.

sd/-
20/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PANAYAPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.



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

+1 CC to M/s.M.KAUSHIKAN, Advocate (SR-13870[I] dated 20/09/2023)

+ 1 CC TO Mr.KBS LAW OFFICE, IN SR No.13871 DATED 20/09/2023

ORDER
IN
CRL OP(MD). Nos.16946 & 16951 of 2023
Date :20/09/2023

SS/DD/06/10/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023