



Crl.O.P.Nos.4130, 3995 and 4352 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A1 who has remanded to custody on 25.01.2024 has filed Crl.O.P.No.4130 of 2024 seeking bail in Crime No.44 of 2024 registered for the offences under sections 143,447,294(b), 323, 324, 506(ii) of I.P.C r/w Section 3 of PPD L Act, 1982 on the file of the respondent police.

2. A4 has filed Crl.O.P.No.4352 of 2024 seeking anticipatory bail for the offences registered under sections 447,427,294(b),323, 506(ii) of I.P.C altered to 143,447,294(b), 323, 324, 506(ii) of I.P.C r/w Section 3 of PPD L Act, 1982 on the file of the respondent police.

3. Crl.O.P.No.3995 of 2024 was filed by the accused person whose rank was not known seeking anticipatory bail for the offences registered under sections 143,447,294(b), 323, 324, 506(ii) of I.P.C r/w Section 3 of PPD L Act, 1982 on the file of the respondent police.



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4. It is the case of the prosecution that as between the accused and the defacto complainant there are two civil suits pending with respect to property at Madhanacheri Village, Murukkankuttai, Vaniyambadi Taluk in Tirupathur District. The first suit in O.S.No.116 of 2022 filed by A1 and another suit in O.S.No.7 of 2024 filed by the defacto complainant. When the two suits are pending, it is only appropriate that all the parties to the suit and every body else should abide by the decision taken by the Civil Court . But, however it appears that all the accused, had taken two J.C.Bs and one tractor and had demolished the compound wall of the defacto complainant. It is contended that he had constructed the compound wall in the property of the first accused. But since the suits are pending, judicial remedy should had been taken re-course to. The Court cannot accept the contention of the law being taken in the hands of the accused persons.

5. The learned counsel appearing for A4 stated that A4 was not all in the scene of occurrence and there are CCTC footage to establish the same. *Alibi* is an issue which can be established only during the course of trial.



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6. The case of the prosecution is about engaging two J.C.Bs and one tractor and demolishing a wall and thereby caused a loss for about 3,00,000/- More than the loss, when there were civil suits is pending the accused had entered into the premises which act has to be condemned by this Court.

7.In view of the above facts, these Criminal Original petitions stands dismissed.

05.03.2024

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