



CRL OP(MD) No.127 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fifth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.127 of 2024

1 GANESAN
2 PANDIYAN
3 ANNADURAI @ PALANI

... PETITIONERS/ ACCUSED NO.3, 5 & 7

Vs

THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TIRUCHIRAPPALI DISTRICT.
(CRIME NO.236 OF 2023)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.VENKATESAN, Advocate
For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 236 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A3, A5 and A7, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 447, 294(b), 427 and 506(ii) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Cr.No.236 of 2023 seek anticipatory bail.

2.The case of the prosecution is that due to property dispute between the parties, the petitioners trespassed into the de-facto complainant's land and attacked



CRL OP(MD) No.127 of 2024

the de-facto complainant and threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them and in respect of the civil dispute between the parties, there are five civil suits pending before the civil Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that the petitioners damaged the de-facto complainant's land worth about Rs.5,00,000/- and it is a civil dispute and there are five civil suits pending before the civil Court. However, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that it appears to be a civil dispute between the parties and no one has sustained injury in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tiruchirappali, on condition that the petitioners



CRL OP(MD) No.127 of 2024

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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



CRL OP(MD) No.127 of 2024

Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/01/2024

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/01/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUCHIRAPPALLI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE, SAMAYAPURAM POLICE STATION,
TIRUCHIRAPPALI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-296[I] dated 08/01/2024)

ORDER IN
CRL OP(MD) No.127 of 2024
Date :05/01/2024

RS/JGB/SAR-(10.01.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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