



CRL OP(MD) No.1273 of 2024

WEB COPY

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1273 of 2024

1 VELMURUGAN @ VELKUMAR

2 SENBAGARAMAN @ SENBAGARAM ... PETITIONER / ACCUSED Nos. 1 & 2

Vs

THE INSPECTOR OF POLICE
PALANICHETTYPATI POLICE STATION ,
THENI DISTRICT.
CR.NO.470/2023

... RESPONDENT / COMPLAINANT

For Petitioner : MR.HAROON RASHEED, Advocate

For Respondent : MR.S.MANIKANDAN,
Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CR.NO.470/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-



CRL OP(MD) No.1273 of 2024

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 147, 294(b), 427, 447 and 506(i) IPC, in Crime No.470 of 2023, seek anticipatory bail.

2.The case of the prosecution is that there was a property dispute between the petitioners and the defacto complainant. Due to that, on 04.09.2023 the petitioners illegally trespassed into the defacto complainant's house and damaged his compound wall. After that occurrence, on 08.09.2023, the accused persons took away the demolished material and when the same was questioned by the defacto complainant, he was assaulted and threatened by the petitioners. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, it is a case and counter case and the counter case has been registered in crime No.457 of 2023 against the defacto complainant, because, when the petitioners doing the work as per the order of this Court in W.P(MD) No.552 of 2017, the defacto complainant and others assaulted the petitioners and threatened them with dire consequences. Due to wreck vengeance only, the false case has been foisted against the petitioners. Hence, he prays for



CRL OP(MD) No.1273 of 2024

granting anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that a property dispute between the parties is pending before this Court. However, these petitioners have no locus standi to damage the said compound wall. Further, he would submit that there is no injured in this case. Hence, he has no objection to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that there is no injured in this case and the property dispute between the parties is pending before this Court, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are is 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, Theni, on condition that the petitioners 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



CRL OP(MD) No.1273 of 2024

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 daily at 10.30 a.m., for a period of two weeks and thereafter, he shall report before the respondent Police as and when required;

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



CRL OP(MD) No.1273 of 2024

WEB COPY

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

sd/-
30/01/2024
/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

indu

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PALANICHETTYPATTI POLICE STATION ,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD) No.1273 of 2024

WEB COPY

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-1163[I] dated 30/01/2024)

ORDER
IN
CRL OP(MD) No.1273 of 2024
Date :30/01/2024

PKP/GS/SAR /01.02.2024/ 6P/ 6C

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