



CRL OP(MD) No.1608 of 2024

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

Tuesday, the Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1608 of 2024

1 ANDHIMADAN ERULLAPPAN @ SEYAN

2 A.KARUPPAYI

3 M.MURUGAN

4 M.ILANGO ... PETITIONERS / ACCUSED Nos. 2,3,4 & 5

Vs

THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION,
THENI DISTRICT.
CRIME NO.7 OF 2024.

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.N.MANI MARAN, Advocate

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

For Intervenor : MR.S.RAMAKRISHNAN, Advocate

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.7 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

The petitioners / Accused Nos.2, 3, 4 and 5 who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 341, 427, 447 and 506(2) of I.P.C in Crime No.7 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners entered into the defacto complainant's house and damaged the property. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that it is purely a civil dispute between the petitioners and the second respondent. He would further submit that the petitioner has given an undertaking before this Court by way of filing an affidavit. The relevant portion of the affidavit is extracted hereunder:

3. I submit that I filed an anticipatory bail petition before this Hon'ble Court along with other petitioners and same was pending. At this juncture, myself along with other petitioners were ready to undertake that we will not interfere and trespass into the disputed land in future and also undertakes that we will not tamper the



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witnesses nor hamper the investigation nor flee away from the jurisdiction of the Court.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. Considering the facts and circumstances of the case and considering the fact that it is purely a civil dispute and also considering the undertaking given by the petitioner, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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, 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 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

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

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

sd/-
06/02/2024

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



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TSG
TO

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

+1 CC to M/s.S.RAMAKRISHNAN, Advocate (SR-1534[I] dated 07/02/2024)

ORDER
IN
CRL OP(MD) No.1608 of 2024
Date :06/02/2024

PKP/JGB/SAR /12.02.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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