



Crl.O.P.(MD) No.4506 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM:
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.4506 of 2024

Naganathan

... Petitioner/Defacto complainant

Vs.

1.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

2.Kalyana Sundaram

3.Sathasivam

4.Thirumurugan

... Respondents/ Accused Nos. 2 to 4

PRAYER: Criminal Original Petition is filed under Section 439(1)(B) r/w 482 of Cr.P.C., to cancel the anticipatory bail order granted to the respondents 2 to 4 in Crl.M.P.No.1019 of 2024, dated 08.03.2024 for the alleged offences under Sections 379 (NH) of IPC by the learned Principal District and Sessions Judge, Ramanathapuram.

For Petitioner : Mr.A.Joseph Jerry

For Respondents: Mr.P.Kottaichamy
Government Advocate (Crl. side) for R1

M/s.J.Mathu for R2

ORDER

This petition has been filed seeking to cancel the anticipatory bail order granted



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to the respondents 2 to 4 in Crl.M.P.No.1019 of 2024, dated 08.03.2024 by the learned Principal District and Sessions Judge, Ramanathapuram.

2.The case of the prosecution is that on 05.01.2024, at about 10.00 a.m., the respondents 2 to 4 along with A1 were harvested the paddy by using 80 canny bags worth about Rs.1,50,000/-, which was cultivated by the petitioner in S.No.1/1B. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the property in S.No.1/1-b measuring to an extent of 2 acres and 25 cents situated at Melakaikudi Village, Kudalur group, R.S.Mangalam Taluk, Ramanathapuram District. The properties were demarcated as per the common order passed by this Court in W.P.(MD)Nos.12886 and 16973 of 2021, dated 23.02.2022. Subsequently, the suit in O.S.No.67 of 2015 filed by the second respondent was decreed in his favour. However, the suit scheduled property is in S.No.2/2 in Sub Division 2/2B, whereas the petitioner's property is in S.No.1/1B and the property of the petitioner is nothing to do with the decree granted in favour of the second respondent. Even then, the second respondent is frequently interfering with the possession of the petitioner's property, which is a clear violation of law. Thereby, he would pray to cancel the anticipatory bail.

4.The learned counsel for the second respondent would submit that the second



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respondent did not commit any offence as alleged by the prosecution and he has not interfered with the petitioner's property and he is ready to abide by any conditions that may be imposed on him.

5.The learned Government Advocate (Crl. side) for the first respondent would submit that pursuant to the direction of this Court, the land was surveyed and the concerned Tahsildar issued a patta stating that S.No.1/1B belongs to the petitioner and S.No.2/2B belongs to the second respondent. If the second respondent is interfering with the possession of the petitioner's property, the first respondent police will take appropriate action against the second respondent in the manner known to law.

6.Considering the facts and circumstances of the case and the fact that the second respondent is interfering with the possession of the petitioner's property, there shall be an order of interim injunction against the second respondent from interfering with the possession of the petitioner's property in S.No.1/1B. If the second respondent interferes with the petitioner's property in S.No.1/1B and violates the order passed by this Court, the first respondent police shall take appropriate action against the second respondent through the Tahsildar, R.S.Mangalam Taluk, Ramanathapuram District and the anticipatory bail granted by this Court shall stand

vacated automatically.

<https://www.mhc.tn.gov.in/judis>



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7.This Criminal Original Petition is closed with the above terms.

sd/-
28/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM
- 2 THE INSPECTOR OF POLICE
THIRUVADANAI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4506 of 2024
Date :28/03/2024

PKP/JGB/SAR /10.04.2024/ 4P/4C
Madurai Bench of Madras High Court is issuing certified
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