



CRL OP(MD).No.5934 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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and

CrI.M.P.(MD)No.6191 of 2024

1. P.David Gnanaiah
2. Suganda Raja
3. Karpagavalli
4. Richi Layaneshwaran
5. Shanmuganathan
6. Kumar
7. Thanapaul Solomon

... Petitioners/ Accused No.1 to 7

Versus

State Rep. by
The Inspector of Police,
Thattarmadam Police Station,
Tuticorin District.
(Crime No.50/2024)

... Respondent/Complainant

For Petitioners	: M/s.Priscilla Jancy Advocate
For Respondent	: Mr.B.Thanga Aravindh Government Advocate (Crl. Side)
For Intervenor	: Mr.S.Pandiyaraj, Advocate
Mediator	: Mr.A.Balaji Advocate



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

PRAYER :-

For Anticipatory Bail in Crime No.50 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.50 of 2024, for the offence under Sections 147, 448, 380, 427, 294(b) and 506(i) IPC, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioners have stolen the electric and electronic items from the defacto complainant's house, abused her in filthy language and also threatened her with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. She further submits that the defacto complainant has put up some constructions in the property belonging to the husband of the 3rd respondent. Therefore, there was a dispute between the parties. She further submits that the 3rd petitioner is having valid title documents for the property. Apart from that, the concerned Tahsildar has also given a certificate that the 3rd petitioner is in possession



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of the property. She further submits that the petitioners are all relatives. Therefore, she prays for grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor submitted that the property belongs to the Church of South India, Thoothukudi-Nasareth Diocese and the defacto complainant has got permission from the church for putting up a construction in that property. But, the petitioners, without approaching the Civil Court, have taken the law into their hands and damaged the electric and electronic items belonging to the defacto complainant.

5. Considering the dispute between the parties, this Court, by order dated 29.04.2024, appointed an Advocate Mr.A.Balaji, as mediator to solve the issue.

6. The learned Mediator has also filed a report stating that there is a property dispute between the petitioners and the defacto complainant. According to the defacto complainant, the property in Survey No.261/1, to an extent of 1 acre 85 cents belongs to Church of South India, Thoothukudi-Nasareth Diocese. Based on the consent letter given by Diocese, she put up some constructions. According to the petitioners, the father-in-law of the 3rd petitioner has purchased the property in



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Survey No.261 to an extent of 2 acre 52 cents, from the Church of South India, Thoothukudi-Nasareth Diocese, in the year 1968 and thereafter, the husband of the 3rd petitioner sold the property to one Sivaganesha Kumar to an extent of 36 ½ cents and the remaining portion of the property is still in the hands of the 3rd petitioner.

7. The learned Government Advocate (Crl. Side) submits that the second petitioner is having four previous cases.

8. Since the second petitioner is having four previous cases to his credit, this Court is not inclined to grant anticipatory bail to the second petitioner.

9. Insofar as the petitioners 1 and 3 to 7, this Court, considering the fact that it is a property dispute and also considering the fact that the property belongs to the 3rd petitioner, who is having valid title documents for the property and since they are all relatives, is inclined to grant anticipatory bail to the petitioners 1, 3 to 7.

10. Accordingly, this Criminal Original Petition is partly allowed and the petitioners 1, 3 to 7 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 on condition that



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(i) the petitioners 1, 3 to 7 execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sathankulam.

(ii) The petitioners 1, 3 to 7 and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioners 1, 3 to 7 shall appear before the respondent Police daily at 10.30 a.m. until further orders. They have to co-operate for the investigation.

(iv) The petitioners 1, 3 to 7 shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioners 1, 3 to 7, the respondent police shall move an application for cancellation of the anticipatory bail. Consequently, connected miscellaneous petition is closed.

sd/-

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/07/2024

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

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TO

- 1 THE JUDICIAL MAGISTRATE,
SATHANKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.PRISCILLA JANCY, Advocate (SR-6784[I] dated 21/06/2024)

ORDER
IN
CRL OP(MD) No.5934 of 2024
Date :20/06/2024

SS/JGB/SAR- /01/07/2024/6P/6C

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