



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

Thursday, the Twenty Sixth day of February Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2915 of 2015

1 NIRAIKULATHAN
2 SAKTHIVELAN
3 VELUCHAMY
4 RAJAIAH
5 CHELLATHURAI
6 MATHAVAN
7 KRISHNAN
8 THANGADURAI
9 MUTHAIAH @ MAHALINGAM
10 MURUGAN @ MURGESAN
11 PONNUCHAMY
12 SATHAIAH @ AKINI ... PETITIONERS / ACCUSED 1 TO 11 & 12

V.MUNIASAMY ... INTERVENER

Vs

THE STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.11/2015. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.MUTHUSAMY, Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

For Intervener : M/S.K.SANJAI GANDI, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 384 r/w 34 I.P.C. in Crime No. 11 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Counsel for the petitioners, the learned Government Advocate (Crl.Side) and the learned Counsel for the intervenor.

<https://hcservices.ecourts.gov.in/hcservices/>

3. On 23.02.2015, this Court passed the following order:



"Today, the respondent police is present. It is seen that the petitioners are ex-communicating the *de facto* complainant from the village.

2. It is represented by the learned Counsel appearing for the *de facto* complainant that the *de facto* complainant is living outside the village and his son's marriage is going to be celebrated in this week.

3. In view of the above, the Inspector of Police, Peraiyur Police Station, Ramanathapuram District, is directed to give sufficient police protection to the *de facto* complainant so that he can return back to his village and live peacefully, without fear.

4. Call on 26.02.2015 to file a status report."

4. It is submitted by the learned Government Advocate (Crl.Side) that on investigation, it appears that there was a dispute between the *defacto* complainant and the village people and now, there is normalcy in the village.

5. Be that as it may, considering the facts and consideration of the case, this Court is inclined to grant Anticipatory Bail to the petitioners herein.

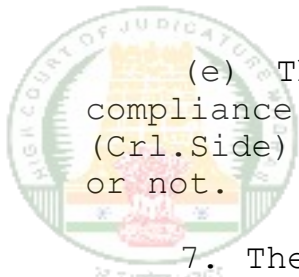
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Kamuthi, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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] the petitioners shall appear before the respondent police daily at 10.30a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)**



(e) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the first petitioner is complying with the order or not.

7. The learned Counsel for the intervenor submits that it will serve interest of justice, if peace committee meeting is convened and assurance is given by the petitioners that they will not unnecessarily harass the *defacto* complainant.

8. In view of the said submission, this Court directs the Deputy Superintendent of Police, Muthukulathur, to convene peace committee meeting, by calling upon the petitioners and the *defacto* complainant to appear before him and amicably resolve the dispute between the parties, so that the *defacto* complainant is able to live peacefully.

sd/-
26/02/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE, KAMUTHI.
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE, MUTHUKULATHUR.
- 4 THE SUB INSPECTOR OF POLICE, PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.MUTHUSAMY, Advocate SR.NO.9069.

ORDER IN
CRL OP(MD) No.2915 of 2015
Date :26/02/2015

msm 02.03.2015 p3/7c