



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

Friday, the Seventeenth day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.15576 of 2017

1 NALLA PERUMAL
2 SEETHALAKSHMI
3 IRULAPPAN @ CHELLAIAH
4 SOMASUNDARAM
5 SANKARALINGAM

... PETITIONERS/ACCUSED No.1to5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT
(Crime No.390/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.G.THALAIMUTHARASU Advocate

For Respondent : Mr.C.MAYIL VAHANA RAJENDRAN,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused No.1 to 5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 323 and 506(i) of I.P.C. And Section 4 of Tamil Nadu Prohibition of Women Act, 2002, in Crime No.390 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of prosecution is that there was a pathway dispute between the petitioners/villagers and the defacto complainant. On 14.10.2017, when the petitioners enquired about the illegal encroachment made by the defacto complainant, there was a wordy quarrel between them. Thereafter, the petitioners attacked the defacto complainant, due to which, the defacto complainant sustained injuries and was admitted in the hospital. Aggrieved by the same, the defacto complainant lodged a complainant against the petitioners before the respondent police.



3.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He further submitted that in fact, the petitioners questioned about the illegal encroachment made by the defacto complainant. However, the defacto complainant foisted a false complaint against the petitioners.

3.The learned Additional Public Prosecutor appearing for the State submitted that the injured person was discharged from the hospital.

4.Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, I am inclined to grant anticipatory bail to the petitioners with certain conditions. 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 Judicial Magistrate No.I, Srivilliputhur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent police, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) the petitioners shall not commit any offence while on bail;

(v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

17/11/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.1
SRIVILLIPUTHUR

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
WATRAP POLICE STATION, VIRUDHUNAGAR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.34659

ORDER

IN

CRL OP(MD) No.15576 of 2017

Date :17/11/2017

mrn

SH/PM-PN/SAR-4:23.11.2017:3P/6C