



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.75 of 2018

1 GOWTHAMI
2 VELLAISAMY
3 MAGUDEESHWARAN
4 THIRUMALAISAMY
5 PERIYASAMY
6 THIRUMALISAMY

... PETITIONERS/ACCUSED 2 to 7

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 312 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.D.VENKATESH, Advocate

For Respondent : M/S.S.BHARATHI, Government Advocate(Crl.Side)

For Intervenor : M/S.D.SRINIVASARAGAVAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners/accused nos.2 to 7, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C., in Crime No.312 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that on 27.12.2017, due to land dispute in sharing water from a common well for irrigation between them. The defacto complainant lodged a complaint before the respondent police alleging that they scolded the defacto complainant for irrigation purpose and attacked with sticks. Thereby, he sustained injuries and he was admitted in the hospital. Hence, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that due to land dispute, the defacto complainant along with his members attacked the petitioners, for which, a case has



been registered in Crime No.311 of 2017 by the respondent police as against the de-facto complainant. Aggrieved by the same, they lodged a false complaint with an ulterior motive. He further submitted that the petitioners are innocent person and they have been falsely implicated in this case. Hence, they pray for anticipatory bail.

4.The learned counsel appearing for the intervenor submitted that dispute arose between them, relating to owning of lands in S.No.692/2, wherein a well is also situated. Both well are connected in the same electricity connection, bearing S.C.No.463 is also there, due to which, they have equal right to connect the electricity on their land and they also filed a suit in O.S.No.161 of 2017 on the file of the District Munsif Court, Palani and the same is pending. While so, without waiting for the outcome of the Civil Suit, they entered into criminal activities by threatening them. Hence, they filed a complaint before the respondent police.

5.The learned Government Advocate (Crl.side) submitted that the injured was discharged from the hospital.

6. Considering the submissions made on either side, it disclose that the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C., in Crime No.312 of 2017 has been registered against the petitioners. According to the prosecution, the defacto complainant has sustained injuries and he was admitted in the hospital. Further, except 506(ii), all other offences are bailable in nature. Therefore, custodial interrogation is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, 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, Palani, 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 each 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 daily at 10.00 a.m. for a period of three weeks and thereafter, 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)On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned



Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

sd/-
10/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PALANI
- 2 THE CHIEF JUDICIAL MAGISTRATE, PALANI
- 3 THE INSPECTOR OF POLICE, KEERANUR POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to M/S.D.VENKATESH, Advocate SR.No.491
+1. CC to M/S.D.SRINIVASARAGAVAN, Advocate SR.No.562

ORDER
IN
CRL OP(MD) No.75 of 2018
Date :10/01/2018

PK/RR/SAR-1/12.01.2018 : 3P/7C