



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2020

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PRESENT

The Hon'ble Mr. Justice V.BHARATHIDASAN

CRL OP(MD) . No.8250 of 2020

1. C.A.Thalakku
2. T.Mukesh

... Petitioners/Accused No.1 and 2

Vs

The State Rep. by
The Inspector of Police,
Chinnamanoor Police Station,
Chinnamanoor,
Theni District.

... Respondent/Complainant

For Petitioners : Mr.K.Neelamegam,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1823 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324 and 506(ii) of IPC, in Crime No.1823 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant said to have purchased 21 cents lands from the petitioner in the year 2001 and thereafter, the defacto complainant trying to put up constuction in his property, the petitioners said to have entered into wordy quarrel with the defacto complainant and assaulted him



with hands and also criminally intimidated him. Hence, the present complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the defacto complainant said to have purchased 21 cents lands out of 25 cents lands from the petitioners. He further submitted that it is a case in counter, earlier, the defacto complainant and his family members have encroached 4 cents lands of the petitioners and tried to alter the survey boundary and the same was objected by the petitioners, in which, the defacto complainant attacked the petitioners and thereby they sustained injuries and hence, they have given a complaint against him and the same was registered in Crime No.1822 of 2020. As a counter blast, the present complaint has been filed. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case in counter. He further submitted that due to civil dispute, the occurrence said to have taken place and the injured person has already been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and due to civil dispute, the occurrence said to have taken place and the injured person has already been discharged from the hospital, considering the above circumstances, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Uttamapalayam, 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:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness service court in his services investigation or trial;



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

(e) 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 as if the conditions have been imposed and the petitioners 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]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/08/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
CHINNAMANOOR POLICE STATION,
CHINNAMANOOR, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.NEELAMEGAM, Advocate (SR-5915[I] dated 07/08/2020)

ORDER

IN

CRL OP(MD) No.8250 of 2020

Date :06/08/2020

VSG

TE/JC/SAR-II : 12/08/2020 : 3P/6C

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