



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

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.553 of 2021

1.Aruldoss
2.Emelda @ Joshpin Emaldarani
3.Alagammal

... Petitioners/Accused No.3 to 5

Vs

State rep by its.,
The Sub Inspector of Police,
Taluk Police Station,
Dindigul District.
In Crime No.1240 of 2020.

... Respondent/Complainant

For Petitioners: Mr.V.Karuna
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.1240 of 2020 on the file
of the Respondent Police

ORDER : The Court made the following order :-

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

2.The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b),
147, 148, 323, 324, 379, 427, 447 and 506(i) of I.P.C. and Section 4
of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime
No.1240 of 2020 on the file of the respondent police, seek
anticipatory bail.

3.The case of the prosecution is that due to civil dispute, the
accused persons trespassed into the defacto complainant's land and
cut the trees and when the same was questioned by the defacto
complainant, the accused attacked the her. Hence, the complaint.



4.The learned counsel for the petitioners submitted that there is a civil dispute between the petitioners and the defacto complainant. The petitioners also gave a complaint and the same was registered in Crime No.1241 of 2020. He further submitted that the petitioners never involved in any crime as alleged by the prosecution.

5.The learned Additional Public Prosecutor submits that it is case and counter case. A1 and A2 were arrested and granted bail by the Mahila Court.

6.Considering the above facts and circumstances of the case, this Court is 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 two weeks from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

/ TRUE COPY /

sd/-
01/02/2021

/ /2021
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 ADDITIONAL MAHILA JUDGE, DINDIGUL
2. THE SUB INSPECTOR OF POLICE,
TALUK POLICE STATION,
DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.553 of 2021
Date : 01/02/2021

IAS
PK/SMA/SAR-II/04.02.2021 : 3P/4C