



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . Nos.8123 and 7933 of 2021

1. Valiaraj @ Valibarajan
2. Alagarsamy
3. Jayamani @ Sivamani ... Petitioners/Accused Nos.5,16 & 17
in Crl.O.P.(MD)No.8123 of 2021

(*)1. Samikannu @ Samykannu

2. Mahendran

(*)3. Vasantharaj @ Vasanth

4. Lakshmanan

5. Nallusamy

6. Ajith

(*)7. Alagan @ Raj Kumar

8. Vallarasu

9. Alagar

(*)10. Gowtham @ Goutham

(*)11. Soori @ Samiyandi Soori

12. Lakshmi

(*)13. Dhanalakshmi @ Dhanam

(*)14. Pavitha @ Kavitha

(*)15. Alagammal @ Alagu

... Petitioners/Accused/
Accused Rank not Known
in Crl.O.P.(MD)No.7933 of 2021

**[R1, R3, R7, R10, R11, R13, R14 R15 are Amended as per
order of this Hon'ble Court dated 24/06/2021 in
Crl.M.P.(MD)No.4252 of 2021 in CRL OP(MD)No.7933 of 2021 by GCSJ]**

Vs

State Represented by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
Crime No.193/2021.

... Respondent/Complainant
in both the petitions



For Petitioners : Mr.S.M.A.Jinnah,
Advocate. (in both Crl.OPs)

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
(in both Crl.OPs)

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

COMMON PRAYER :- For Anticipatory Bail in Crime No.193 of 2021 on the file of the respondent police

COMMON ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.193 of 2021, seek anticipatory bail.

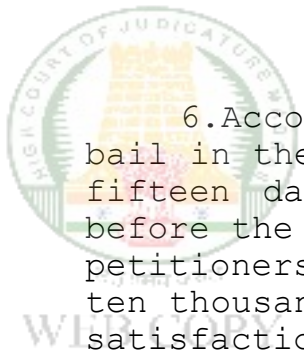
2.The case of the prosecution is that there is dispute in connection with the property between the defacto complainant and petitioners. In consequence thereof, on 12.06.2021, at about 07.30 a.m., when the defacto complainant's son, Yogeshwaran was watering in their agricultural land, the accused had damaged the fencing, picked up quarrel and beaten him. When the defacto complainant tried to prevent the attack, he was also beaten by the accused. On the same day, at about 08.00 p.m., the defacto complainant's son Anbarasu had gone for purchasing medicines. The accused samikannu and his relatives had beaten him. On hearing his voice, the defacto complainant came out along with his son Yogeshwaran and they were also attacked by the accused with wooden log and other weapons. Due to which, the defacto complainant and his sons suffered injuries. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence they seek anticipatory bail.

4.The learned Government Advocate (Criminal Side) opposed the petition on the ground that the investigation is not completed and he further submitted that there is also a counter case registered on basis of the complaint given on behalf of the accused and their party in Crime No.194 of 2021 under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and that the injured in this case were discharged from the hospital.

5.Considering the facts and circumstances of the case, the fact that two parties have fought with each other in connection with the property dispute and the fact that the injured have been discharged from the hospital, this Court is inclined to grant anticipatory bail

<https://hdservices.courtservicemadras.org/> for petitioners with conditions.



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

[b] the petitioners shall report before respondent police daily, at 10.30 am., until further orders;

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/06/2021

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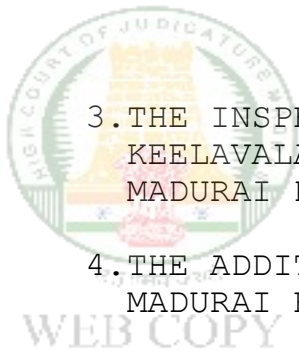
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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,
MELUR, MADURAI DISTRICT.

2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3.THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD). Nos.8123 and 7933 of 2021

Date :24/06/2021

SM

AE/JC/SAR-1/01.07.2021/4P/5C