



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 23/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8166 of 2021

1. Lourdu Paulraj
2. Innasi
3. Jansirani

... Petitioners/A1 to A3

Vs

The State represented by  
The Inspector of Police,  
Vaiyampatti Police Station,  
Tiruchirappalli District.  
(In Crime No.317 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Lourdu Raj.A.,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.317 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.317 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to dispute with regard to the 46 cents of land, there was a quarrel between the family of the de-facto complainant and the petitioners. As a sequel to that, on 09.06.2021 at about 07.00 p.m., when the de-facto complainant along with her family members were in their house, the accused came there and the first accused attacked the de-facto complainant with iron rod and the second accused threatened the de-facto complainant by showing aruval and other accused also attacked her with sticks. Therefore, this case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that there is a case and case in counter had been registered against the de-facto complainant in Crime No.316 of 2021 on the basis of the complaint given by the petitioners. Hence, they seek anticipatory bail.

4.The learned Government Advocate (Crl.side) for the respondent submitted that there is a counter case and the injured person has been discharged from the hospital. He further submitted that investigation in this case is pending.

5.Considering the facts and circumstances of the case and the fact that there is a enmity between the parties with regard to the 46 cents of land and there were frequent quarrel and fight between them and the fact that there is a counter case and also the fact that the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

6.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, Manapparai, 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 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., 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.

WEB COPY

Sd/-  
23/06/2021

/ TRUE COPY /

/ /2021

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

SJI

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, MANAPPARAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,  
VAIYAMPATTI POLICE STATION,  
TIRUCHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP (MD) No.8166 of 2021  
Date : 23/06/2021

VB/MNR/SAR.III/29.06.2021/3P/5C