



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.07.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8990 of 2021

1.Chelladurai
2.Alex @ Alex Pandian
3.Nellai Selvam @ Nellai Selvan
4.Ragini @ Rahini
5.Sivamani @ Jothimani Vaikundam ... Petitioners/Accused No.1 to 5

Vs

The State Represented by,
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
Crime No.120 of 2021 ... Respondent/Complainant

For Petitioners : Mr.P.P.Alwin Balan,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.120 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.120 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant owns a land in Vittilapuram Village. She had grown 200 Banana Trees and put up thorn fence around it. On 12.06.2021, she had gone to her garden and found that her thorn fence was burning. She doused the fire. On 13.06.2021, she was making barbed wire fencing in the place where thorn fence was burnt. Her husband was also there. At



that time, the accused had come to that place and abused the defacto complainant in filthy language and also beaten her. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. It is his further submission that there is a case given by Marry Mallika against the defacto complainant and others and that was registered in CSR.254 of 2021 on 12.06.2021 and then, subsequently, First Information Report in Crime No.121 of 2021 was registered under Sections 294(b), 427 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 on 14.06.2021. He submitted that this is a false case. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending.

5. From the allegations of the First Information Report and the submissions of the learned counsel for the petitioner, it appears that there is a dispute between the defacto complainant and the petitioners with regard to ownership of the land and it resulted in violent incidents. It is now informed that the injured had been discharged from the Hospital. Except 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 other offences are bailable. Taking the above factors into consideration, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners.

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, Srivaikundam 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 1 to 3 shall report before respondent police daily at 10.30 am., until further orders. The petitioners 4 and 5 shall report before the respondent police as and when required.

[c]the petitioners shall not tamper with evidence or witness
<https://hccourtscorpus.in/hccourtservices> 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/-

08/07/2021

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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,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8990 of 2021

Date : 08/07/2021

MBI

PK(SS)/AKM/SAR-II/13.07.2021 : 3P/5C

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