



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

Date : 08/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD)No.9003 of 2021

WEB COPY

1. Pranmalai
2. Raja Mohamed
3. Roja Beevi @ Amitha Begam ... Petitioners/Accused Nos.1 to 3

Vs

State represented by
The Inspector of Police,
Devakottai Taluk,
Sivagangai District
Crime No. 206/2021.

... Respondent/Complainant

For Petitioner : M/s.Saranya.D.,
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.206 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, 447, 294(b), 323, 324 and 506(ii)IPC in Crime No.206 of 2021,
seek anticipatory bail.

2.The case of the prosecution is that there is a dispute with
regard to the land property between the petitioners and the defacto
complainant. In consequence to that dispute, on 19.06.2021 at about
05.15 pm., he was in his property, the accused came with iron-rod
and wooden-log. They trespassed into his property and started
attacking him. As a result, he suffered injuries. They made criminal
intimidation and escaped from there. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they have been falsely
implicated in this case. It is his further submission that there is
property dispute and there is counter case registered on the basis
of the complaint given against the defacto complainant in Cr.No.207
of 2021 under Sections 147, 447, 294(b), 323, 324 and 506(ii)IPC.
Therefore, he seeks anticipatory bail to the petitioners.



4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. He further submitted that injured person had been discharged from the hospital.

5.Considering the nature of the case and the fact that issue had happened because of the property dispute and the fact that there is a counter case registered on the basis of complaint given by the petitioners and also the fact that the injured person had been discharged from the hospital, 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 Court, Devakottai, 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 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.

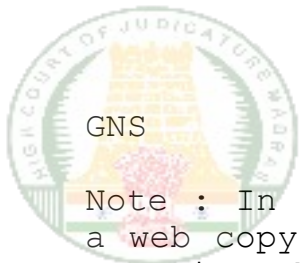
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
08/07/2021

/ TRUE COPY /

/ /2021



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,
DEVAKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK, SIVAGANGAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9003 of 2021
Date : 08/07/2021

VB/JC/SAR.I/13.07.2021/3P/5C