



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

Date : 09/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9124 of 2021

1.S.Sathya
2.L.Kaleeswari

... Petitioners/Aggrieved person

Vs

The State rep.by
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
Crime No.159/2021..

... Respondent/Complainant

For Petitioners : Mr.R.Anand,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Additional Public Prosecutor

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

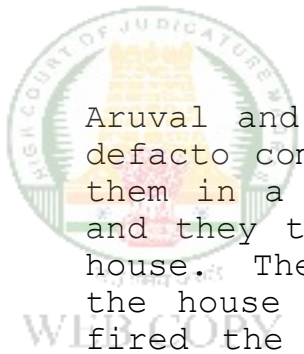
PRAYER :-

For Anticipatory Bail in Crime No. 159 Of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 435, 436, 506(ii) and 120B of I.P.C., and Section 3 and 4 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.159 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a previous enmity between the family of the defacto complainant and the family of Samudurai. There is a case registered in connection with previous issue. On 16.06.2021 at about 09.30 pm., when the defacto complainant and his daughter namely., Karthika were standing in front of their house, Sathiya, Samidurai, Jegathammbal, Gajanthiri, Dinesh, Karthy, Vasuki, Ajithkumar, Anguselvam, Shanmugavalli, Prakash, Gannaki, Jivitham, Puvin and some others had formed an unlawful assembly and came towards them with knife, woodenlog,



Aruval and stick. Fearing that something is going to happen, the defacto complainant and his daughter went into the house and locked them in a room. Sathiya and other scolded them in filthy language and they trespassed into the house and attacked the things in the house. They made criminal intimidation to them. They also attacked the house of Jeeva, Sathiyai, Sumathi and Muniyasamy. They also fired the Tractor of Raja and the Scooty, Tractor and Cycle of Muthuramalingam and they burned 20 bags of cotton. Hence, the present complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. The damage alleged to have caused in this case is not really true. The defacto complainant and their party have themselves created the evidence to show that the vehicles had been burnt and houses had been damaged. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Additional Government Pleader opposed this petition on the ground that investigation is not completed. He further submitted that the second petitioner is not an accused in this case.

5.Since the second petitioner is not an accused in this case, this criminal original petition is dismissed as against the second petitioner.

6.There is a prevailing dispute in connection with election between these two groups and as a result both the parties attacked each other and damaged properties worth about several lakhs. No one is injured in this case. The issue is with regard to the nature and extent of damage. This is to be proved through evidence during trial. The first petitioner is a woman. As of now, the custodial interrogation of the first petitioner is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the first petitioner.

8.Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, on condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 first petitioner 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 first petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the first petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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/-
09/07/2021

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.9124 of 2021
Date :09/07/2021

IAS

TK/MNR/SAR.5/13.07.2021/3P/5C

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