



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

Date : 20/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9594 of 2021

1. Meenal
2. Ramachandran
3. Saravanan
4. Kannan
5. Rukkumani

... Petitioners/Accused No.1-5

Vs

The State Represented by,
The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.
(In Crime No.352 of 2021)

... Respondent/Complainant

For Petitioners :Mr.P.Prabakaran,
Advocate.

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

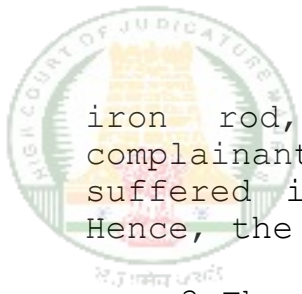
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory bail in Crime No.352 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, 148, 294(b), 323, 324, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.352 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a previous enmity between the defacto complainant and the accused in connection with construction of house by the defacto complainant. They are not in talking terms. The defacto complainant's husband measured the property and laid boundary stones. On 13.07.2021, at about 8.30 am., the accused Meenal removed the stones. When the defacto complainant asked why she was removing stones, the accused attacked her with



iron rod, stick and wooden-log. As a result, the defacto complainant, Kannan and Ponnumani and her husband Muthuchamy suffered injuries. Then, the accused made criminal intimidation. 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.

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

5.This is a case in connection with dispute with regard to the construction of house by the defacto complainant and laying boundary stones. Considering the nature of the incident and the fact that the injured person had been discharged from the hospital and also the fact that except Sections 324 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act , all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners.

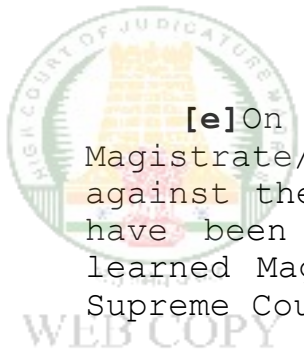
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Paramakudi on condition that the petitioners shall execute a 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 2, 3, 4 shall report before respondent police daily at 10.30 am., until further orders and the petitioners 1 & 5 shall report before the respondent police as and when required.

[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/-
20/07/2021

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

ORDER
IN
CRL OP(MD) No.9594 of 2021
Date :20/07/2021

GNS
RT/JM/SAR-III/26.07.2021/3P/5C