



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

WEB COPY

CRL OP(MD)No.10150 of 2021

1.Bose @ Bosh
2.Elamparithi
3.Muthuvazhivittan

... Petitioners/Accused Rank 1 to 3

Vs

The State Represented by,
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
Crime No.525 of 2020

... Respondent/Complainant

For Petitioners : Mr.S.J.Chakkkaravarthy, 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.525 of 2020 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 offence punishable under Sections 294(b) and 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.525 of 2020, seek anticipatory bail.

2.The case of the prosecution is that there is dispute between the defacto complainant and his brother Bose in connection with the ownership of the land. It is the case of the defacto complainant that his brother Bose had encroached his land and doing agriculture. On 01.12.2020, at about 04.45 pm, the defacto complainant asked his brother as to how he can do agriculture in his land. At that point of time, other accused started attacking the defacto complainant. When the defacto complainant's daughter intervened, she was also beaten and her cell phone was thrown on the ground. 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.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending. However, he submitted that the defacto complainant was treated as an



outpatient.

5. It is seen from the facts of the case that there is property dispute between the defacto complainant and the accused. The injured has been treated as outpatient. 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 Judicial Magistrate, Kamuthi, Ramnad District 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/-

30/07/2021

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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.

WEB COPY

1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMNAD DISTRICT

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.S.J.CHAKKARAVARTHY, Advocate (SR-4987[I] dated
02/08/2021)

ORDER

IN

CRL OP(MD) No.10150 of 2021

Date :30/07/2021

mbi

RT/JM/SAR-IV/04.08.2021/2P/6C