



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11193 of 2021

1.Irulappan

2.Chinnaponnu

3.Periyasamy ... Petitioners/Accused Nos.1 to 3

Vs

The State represented by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai.

[Crime No.175 of 2021] ... Respondent/Complainant

For Petitioners : Mr.Jerin Mathew,Advocate

For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.175 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 offence punishable under Sections 294(b), 323 and 324 IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.175 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are having property dispute for the past twenty years and the first petitioner had placed useless water by blocking the pathway and there arose a wordy quarrel between them, wherein the petitioners attacked the defacto complainant and abused them in filthy language. Hence the complaint.



3.The learned counsel for the petitioners submits that there is a property dispute between the petitioners and the defacto complainant. The petitioners have not committed any offence as alleged in the complaint. In the allege occurrence the petitioners sustained injuries and a complaint is also lodged against the defacto complainant.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that there is a civil dispute pending between the parties and it is a case in counter and injured has been discharged from hospital.

5.Considering the facts and circumstances of the case, the fact that it is a case in counter, the injured has been discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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, Thiruppuvanam 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 learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police as and when required

[c]the petitioners shall not tamper with the 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 are 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/-
24/08/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dsk

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,
THIRUPPUVANAM, .
- 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
VIRUDHUNAGAR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-5668[I] dated 25/08/2021)
ORDER
IN
CRL OP(MD) No.11193 of 2021
Date :24/08/2021

PKP/JM/SAR-2/08.09.2021/3P/6C