



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11332 of 2021

1. T.Surendran,

2.Mary Little Flower, ... Petitioners/Accused Nos.1 & 2
Vs

State Rep by
The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District
(Crime No. 57 of 2021) ... Respondent/Complainant

For Petitioners : Sreenivasan M.R,
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.57 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, 324, 506(ii) and 379 (NP) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.57 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the *defacto* complainant are neighbours and there is a property dispute between them. While so on 30.07.2021, the first petitioner demolished the compound wall being constructed by the *defacto* complainant and when it was questioned by the husband of the *defacto* complainant, the first petitioner abused and assaulted the *defacto* complainant and her husband. Later on the petitioners and their



defacto complainant. The fourth accused snatched gold chain from the defacto complainant, criminally intimidated and fled from the scene of occurrence. Hence the complaint.

3.The learned counsel for the petitioners submitted that there is a civil dispute pending between the petitioners and the defacto complainant. In this regard a suit was filed in O.S.No.212 of 2011 before the learned I Additional District Munsif Court, Kuzhithurai and it was decreed in favour of the first petitioner. Aggrieved over the same, this complaint has been foisted against these petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is a case in counter and the injured has been discharged from hospital.

5.Considering facts and circumstance of the case, the nature of allegations levelled against the petitioners, the fact that it is a case in counter and 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 No.1, Kuzhithurai, Kanyakumari 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 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before 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 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.

WEB COPY

sd/-
24/08/2021

/ TRUE COPY /

/ /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 No.1,
Kuzhithurai, Kanyakumari District.
 - 2.Do-Through The Chief Judicial Magistrate,
Kanyakumari District.
 - 3.The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-5667[I] dated 25/08/2021

ORDER
IN
CRL OP(MD)No.11332 of 2021
Date : 24.08.2021

TR/PN/SAR-II(27.08.2021) 3P 6C