



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

Date : 26.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP(MD)No.12051 of 2021

1.J.SALAMON
2.S.JOTHIMUTHU
3.J.ANNAL MARY
4.J.JENIFER

... PETITIONERS/ACCUSED

VS

THE STATE REPRESENTED BY.
THE SUB-INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.
(CRIME NO.113/2021)

... RESPONDENT/COMPLAINANT

FOR PETITIONERS : MR.A.JOHN XAVIER
ADVOCATE,

FOR RESPONDENT : MR.P.KOTTAICHAMY,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

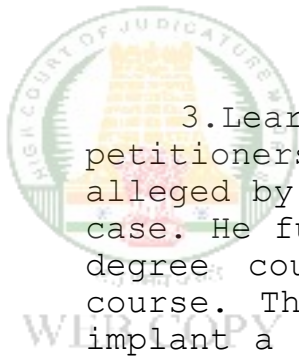
PRAYER :-

For Anticipatory Bail in Crime No.113 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) IPC in Crime No.113 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are cousin brothers and a civil suit is pending between the parties. While so, on 27.06.2021 at about 12.00 noon, the petitioners 1 & 2 attempted to fence the land situated at Seelampatty Village, which was objected to by the defacto complainant. During the scuffle, the first petitioner attacked the defacto complainant with aruval and the other petitioners have also attacked the defacto complainant and his father. Hence, the complaint.



3.Learned Counsel for the petitioners submitted that the petitioners are innocents. They have not committed any offence as alleged by the prosecution, but have been falsely implicated in this case. He further submitted that the first petitioner is doing M.Sc., degree course and the fourth petitioner is doing B.A., degree course. The petitioners were only digging a pit in their land to implant a tree. He further submitted that in the scuffle, the first petitioner was also injured and got treatment in the Government Hospital, Aruppukottai, on 27.06.2021 and thereafter, discharged on 30.06.2021. Therefore, he prayed for grant of anticipatory bail to the petitioners.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police, on instructions, submitted that the injured has been discharged from the hospital on 02.07.2021 and that the petitioners are not having any other case to their credit. He further submitted that the occurrence had taken place owing to a pathway dispute.

5.Considering the facts and circumstances of the case, the antecedent of the petitioners, the pendency of the civil dispute and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 cum District Munsif, Thiruchuli, Virudhunagar 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 Judge 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 Judge 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 for interrogation.

[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.

sd/-

26/08/2021

/ TRUE COPY /

/ /2021

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

gk

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 CUM DISTRICT MUNSIF,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR AT VIRUDHUNAGAR DISTRICT
- 3.THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12051 of 2021

Date :26/08/2021

GC/SKN/SAR-I (07.09.2021) 3P 5C