



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

Date : 06/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12516 of 2021

1. M.Nagarajan
2. N.Jesintha
3. P.Malaiyalam
4. I.Sabarisha
5. M.Panchavarnam
6. M.Muthuraja
7. R.Shanmugavalli
8. M.Masilamani @ Masila
9. R.Prabakaran

... Petitioners/Accused No.1 to 9

-Vs-

The Sub Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
Crime No.473 of 2021.

... Respondent/Complainant

For Petitioners: Mr.C.M.Arumugam,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

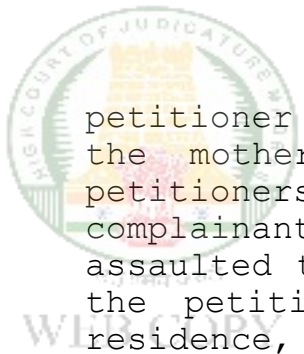
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.473 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A9, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 448, 427 and 506(ii) and 380 I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.473 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and the petitioners are close relatives. The first petitioner is the son of the third petitioner. There was a property dispute between the parties and the petitioners scolded the de-facto complainant and his family members. Further, the first



petitioner assaulted and caused injury upon one Premkumar. Further, the mother of the de-facto complainant was assaulted by the petitioners 4, 7 and 8. Moreover, the elder brother of the de-facto complainant was assaulted by the petitioners 2, 4 and 8 and A10 also assaulted the de-facto complainant by using his hands. Thereafter, the petitioners have trespassed into the de-facto complainant's residence, ransacked the household articles and also criminally intimidated them. Thereafter, the de-facto complainant along with the injured rushed to the Trichy Government Hospital for treatment. At that time, the petitioners have entered into his residence and broken the lock of the bureau and taken a sum of Rs.48,000/- along with 7 sovereigns of gold chain. Further, the brother's wife of the de-facto complainant, namely, Amsavalli was intimidated by the 9th petitioner by showing Aruval and the same was informed to the de-facto complainant by the said Amsavalli on 14.08.2021 through cell phone. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submits that the first petitioner is the son of the third petitioner. The second petitioner is the wife of the first petitioner and the third petitioner is the father of the first petitioner, who is the owner of the disputed land. The fourth petitioner is the wife of the younger brother of the first petitioner. The fifth petitioner is the mother of the first petitioner and wife of the third petitioner. The sixth petitioner is the younger brother of the first petitioner and son of the third and fifth petitioners. The seventh petitioner is the elder brother of the first petitioner and son of the third and fifth petitioners. The eighth petitioner is the wife of the younger brother of the first petitioner. The ninth petitioner is the son of the elder brother of the first petitioner and seventh petitioner. He further submits that A10 was already arrested and released on bail in CrI.M.P.No.4954 of 2021 by the Additional Mahila Court, Trichy on 19.08.2021.

4.The learned counsel for the petitioners further submits that a common pathway width about 4 feet in S.No.225/1 of Keela Allur revenue village of Srirangam Taluk, Trichy District was encroached upon by the de-facto complainant, by making constructions. In view of the encroachment caused by the de-facto complainant, the petitioners could not access their property freely and therefore, the petitioners have objected to the encroachment. Thereby, an application to survey the property was given by the third petitioner. Thereafter, on 13.08.2021 the property was surveyed by the concerned surveyor along with the help of police personnel of the respondent and found that the pathway was encroached upon by the de-facto complainant. Hence, the de-facto complainant was instructed to remove the encroachment at the earliest. But, the de-facto complainant refused to remove the encroachment and it was objected by the common public including the petitioners. It irked the de-facto complainant and a melee occurred. In the occurrence, the



petitioners were inflicted injuries by the de-facto complainant and his relatives. He further submits that the second petitioner lodged a complaint before the respondent police, but no case has been registered. He further submits that all the petitioners have taken treatment as in-patient in the Government Hospital, Trichy and after few days, they were discharged from the hospital on 16.08.2021. He also submits that the petitioners are innocents and they have been falsely implicated in this case.

5.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, submits that the injured persons in this case have been discharged from the hospital.

6.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners and also the fact that the injured persons have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Judge, Judicial Magistrate Level, Trichirappalli 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 1, 4, 6 and 9 shall report before the respondent police daily at 10.30 a.m., until further orders.

(c)the petitioners 2, 3, 5, 7 and 8 shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Judge/ 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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court

<https://hcservices.org/courtshomeir/hcservices/> in **P.R.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



(g)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/09/2021

/ TRUE COPY /

WEB 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 ADDITIONAL MAHILA JUDGE,
JUDICIAL MAGISTRATE LEVEL,
TRICHIRAPPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-6072[I] dated 08/09/2021)

ORDER
IN
CRL OP(MD) No.12516 of 2021
Date :06/09/2021

SJI
MS/VR/SAR-4/23.09.2021/4P.6C