



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12195 of 2021

1. Udhayakumar

2. Sathiyakumar

3. Thandavarayan

... Petitioners/Accused No.1 to 3

Vs

The State represented by
The Inspector of Police,
Jeeyapuram Police Station,
Trichy.

Cr.No. 469 of 2021)..

... Respondent/Complainant

For Petitioners : Mr.S.Ramsundarvijayraj,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 469 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 offences punishable under Sections
294(b), 324, 506(2) and 109 of IPC read with Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act, 2002 in Crime No.469 of
2021, seek anticipatory bail.

2. The case of the prosecution is that due to a dispute with
regard to partition, the petitioners have attacked the defacto



complainant and his father with iron pipes. The petitioners have also pushed down the mother of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners and the defacto complainant are close relatives. There is dispute between them with regard to partition of properties and on the date of occurrence, both the parties have clashed with each other. A case in counter was also registered against the defacto complainant and three others in Crime No.470 of 2021.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that four persons were injured in this case and they were all treated as out patients. Further, he would submit that the first petitioner is having one previous case.

5. Considering the fact that this is a case in counter, the parties are closed relatives, the incident occurred due to a partition dispute and that the injured persons have been treated as out patients, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed.

6. 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 Additional Mahila Court, Thiruchirappalli 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 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 first petitioner shall report before respondent police daily at 10.30 a.m, until further orders. The petitioners 2 and 3 shall report before respondent police as and when required, until further orders.

[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 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 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/-
31/08/2021

/ TRUE 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,
TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.RAMSUNDARVIJAYRAJ, Advocate SR.No.5819

ORDER
IN
CRL OP(MD) No.12195 of 2021
Date :31/08/2021

mbi

SS/JM/SAR-I/08.09.2021 : 3P/5C