



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14.09.2021
PRESENT

The Hon'ble Mr. Justice B. PUGALENDHI

CRL OP(MD). No.13433 of 2021

1. Petchi Thevar @ Petchi
2. Rajkumar
3. Sathya
4. Malaiammal

... petitioners/Accused No.1 to 4

Vs

State Rep. by
The Inspector of Police,
Srivaigundam Police Station,
Thoothukudi District.
(In Crime No.258/2021)

... Respondent/Complainant

For petitioners : Mr. G. Kalidoss
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 Crime No.258 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(ii) of I.P.C, in Crime No.258 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 05.09.2021 at about 06.00 a.m. the 2nd petitioner illegally demolished the compound wall of the defacto complainant. When the same was questioned by the defacto complainant's wife, the petitioners scolded them with filthy language and attacked with sticks and hands and threatened with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioners are innocent persons and no such occurrence took place as alleged by the prosecution. He would further submit that there was a civil dispute between the petitioners and the defacto complainant and at the instance of the petitioners, their lands were

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possession and enjoyment of their properties. The defacto complainant voluntarily entered into their properties and questioned the petitioners, hence, there was a wordy quarrel between them.

4.The learned Government Advocate (Crl. Side), submits that there is a civil dispute between the parties and the injured person has been discharged from the hospital on 06.09.2021.

5.Considering the facts and circumstances of the case and Considering the fact that there is a civil dispute between the parties and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

5.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 Judicial Magistrate, Srivaikundam, Thoothukudi, 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 daily at 10.30 a.m. 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 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]***; and;

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

sd/-
14/09/2021

/ 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 JUDICIAL MAGISTRATE,
SRIVAIAKUNDAM, THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SRIVAIGUNDAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13433 of 2021
Date :14/09/2021

TM
MK/VR/SAR.I/21.09.2021/3P/5C