



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.09.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14212 of 2021

1.Ramakrishnan

2.Rajaram

3.Natchammal @ Ganga

4.Perumal

5.Rajkumar

... Petitioners/Accused No.1 to 5

Vs

The State represented by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.

[Crime No.160 of 2021] ... Respondent/Complainant

For Petitioners : Mr.P.Balamurugan, Advocate

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

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

PRAYER :-

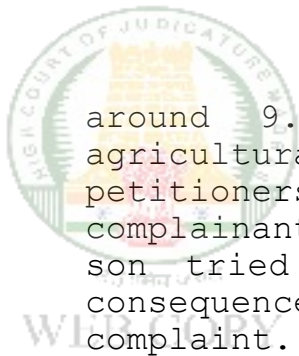
For Anticipatory Bail in Crime No.160 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 341, 294(b), 323, 324, 379 and 506(i) IPC in Crime No.160 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a dispute between the first petitioner and the defacto complainant with regard to sharing of the ancestral property. While so, on 20.08.2021,

<https://hcservices.ecourts.gov.in/hcservices/>



around 9.30 a.m, when the defacto complainant was in his agricultural field, the first petitioner armed with aruval and other petitioners armed with weapons came there and attacked the defacto complainant and caused multiple injuries all over his body. When his son tried to rescue, the petitioners threatened him with dire consequences and snatched away his mobile phone. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent. The first petitioner and the defacto complainant are brothers. Since the first petitioner being an illiterate, the defacto complaint registered all the joint family properties in his name. In fact, on 20.08.2021 around 9.00 a.m, when the first petitioner was doing agricultural works in his field, the defacto complainant along with his two sons came there and attacked the first petitioner with deadly weapons and caused injuries to the first petitioner on his nose and head and based on the complaint, a case in Crime No.161 of 2021 was registered against the defacto complainant for the offence under Sections 294(b), 342, 323 and 506 (ii) IPC. Therefore, in order to take revenge, the present complaint has been foisted against the petitioners.

4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted that the investigation is yet to be completed.

5.It appears that there exists a civil dispute between two family members. Considering the nature of allegation against this petitioner and it is a case in counter, 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, Melur on condition that the petitioners each shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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.

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[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/09/2021

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

+2. CC to Mr.P.BALAMURUGAN, Advocate SR.No.6584

ORDER

IN

CRL OP(MD) No.14212 of 2021

Date :23/09/2021

SS/JM/SAR-III/28.09.2021 : 3P/7C