



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14839 of 2021

1. Rengaraj @ Rengaraju
2. Sathish Kumar
3. Renuka @ Renukadevi
4. Kalaiselvan
5. Rajeshwari
6. Vijay @ Narasiamman
7. Indra @ Indragandhi
8. Veeramani

... Petitioners/Accused Nos.1 to 8

Vs

The State rep.by,
The Inspector of Police,
Sengipatti Police Station,
Sengipatti Post,
Thanjavur District.
(Crime No.361 of 2021)

... Respondent/Complainant

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

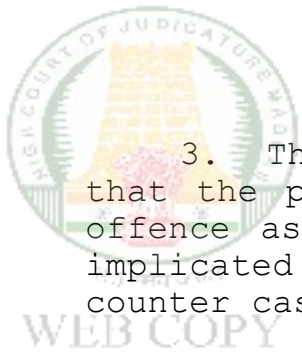
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Cr.No.361 of 2021 on the file of the respondent of police.

ORDER : The Court made the following order :-

The petitioners/A1 to A8, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 148, 294(b), 324, 506(ii) IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.361 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that both the petitioners and the defacto complainant are relatives and neighbours. There is a boundary dispute between the parties in respect of one feet land. On 02.09.2021, there was a wordy quarrel between the parties and consequent to that, the petitioners attacked the defacto complainant's son with wooden log and caused head injury.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that it is a case and counter case and the injured has been discharged from the hospital.

4. The learned Government Advocate (Crl. Side), on instructions, submitted that the injured has been discharged from the hospital. He further submitted that 8th petitioner, namely, Veeramani, is not an accused in this case.

5. Recording the submission of the learned Government Advocate (Crl. Side) that the 8th petitioner is not an accused in this case, the Criminal Original Petition is dismissed as against 8th petitioner.

6. Considering the facts and circumstances of the case and also the fact that there is a boundary dispute between the parties, it is a case and counter case and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 1 to 7.

7. Accordingly, the Criminal Original Petition is allowed insofar as the petitioners 1 to 7 are concerned. The petitioners 1 to 7 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 No.III, Thanjavur, on condition that the petitioners 1 to 7 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 1 to 7 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 1, 2, 4 and 6 shall report before the respondent police daily at 10.30 a.m. until further orders; The petitioners 3, 5 and 7, being ladies, shall report before the respondent Police as and when required for interrogation;

(c) the petitioners 1 to 7 shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 1 to 7 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 1 to 7 in accordance with law as if the conditions have been imposed and the petitioners 1 to 7 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/10/2021

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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 NO.III
THANJAVUR.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION, SENGIPATTI POST,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14839 of 2021

Date : 01/10/2021

OGY

MK/SKN/SAR.II/08.10.2021/3P/5C