



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

Date : 05/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15058 of 2021

1. Ponnu Samy @ Pon Samy
2. Jeyarani
3. Kathiresan
4. Muthu
5. Perumal
6. Sudhakar
7. Nattar Thangam
8. Balakrishnan
9. Thanga Lakshmi

... Petitioners/Accused No.1 to 9
Vs

The State Rep.by
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
(Crime No.234 of 2021).

... Respondent/Complainant

For Petitioners: M/s.D.Deepamathi,
Advocate.

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

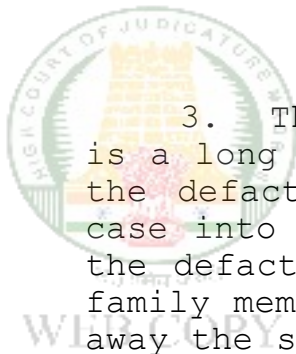
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 234 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A9, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 148, 294(b), 323, 324, 379 & 506(i) IPC and Section 4 of TNPHW Act, in crime No.234 of 2021 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. There is a pathway dispute between the defacto complainant and the petitioners. On 11.09.2021, there was a wordy quarrel between the parties, due to which, the petitioners assaulted the defacto complainant and snatched away a 2
a cover of the defacto complainant.



3. The learned counsel for the petitioners submits that there is a long pending civil dispute between the petitioners' family and the defacto complainant's family. In order to convert the civil case into a criminal case, this false complaint has been lodged by the defacto complainant. In fact, the defacto complainant and his family members encroached the pathway of the petitioners and thrown away the stone on the 9th petitioner's son, who was playing in front of his house. When the 9th petitioner questioned the same, the defacto complainant's family pushed her, due to which, she fell down and sustained injury on her stomach, who was nine months pregnant. Hence, a complaint was lodged by the 9th petitioner before the respondent Police as against the defacto complainant and the same was registered as Crime No.235 of 2021. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed. He further submits that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the parties and also the fact that the injured has been discharged from the hospital and no materials have been placed that a chain has been snatched away, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. The petitioners are directed 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, Sathankulam, on condition that the petitioners 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 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 to 8 shall appear before the respondent Police daily at 10.30 a.m. until further orders; the 9th petitioner shall appear before the respondent police as and when required for interrogation;

(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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/10/2021

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

ORDER

IN

CRL OP(MD) No.15058 of 2021

Date : 05/10/2021

OGY

MS/VR/SAR-2/20.10.2021/3P.5C