



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16443 of 2021

1. M.Arun Kumar @ Arun Pandiyan,
2. M.Murugesan
3. M.Santhi
4. M.Jeyanthi
5. M.Sowmiya ... Petitioners/Accused No.1,2,4,5 & 6

Vs

The State rep.by,
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
In Crime No.648 of 2021. ... Respondent/Complainant

For Petitioner : Mr.R.Rajesh Kumar,
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.648 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A2, A4, A5 and A6, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 44B, 294(b), 323, 427, 506(i) and 4 of TNPHW Act, in Crime No.648 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. On 01.06.2021, at about 5.30 p.m., when the defacto complainant was standing along with one Muthukalai on the road, the first accused assaulted him with wooden stick. Further, the other accused persons illegally trespassed into the house of the defacto complainant, attacked his wife and daughter, abused them in filthy language and also threatened them with dire consequences. Due to the illegal act of the accused persons, the property of the defacto complainant has been damaged to the extent of Rs.5,000/-. Hence, the complaint.



3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that there was a dispute regarding the common pathway. Hence, this false complaint has been lodged by the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that the injured have been treated as out patients. He further submits that the petitioners are not having any previous case.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the petitioners are not having any previous case and the injured have been treated as out-patients, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. 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, Nilakottai, Dindigul District, 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 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/10/2021

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WEB 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,
NILAKOTTAI, DINDIGUL DISTRICT.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
 - 3 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION, DINDIGUL DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.RAJESH KUMAR, Advocate SR.No.7674.

ORDER
IN
CRL OP(MD) No.16443 of 2021
Date :27/10/2021

OGY
PKP/PN/SAR.3/02.11.2021/3P/6C