



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . Nos.18933 & 18934 of 2021

1. Senthilkumar
2. Suyamprakasam
3. Balasubramani
4. Singu @ Singuraj
5. Mahasakthi
6. Rajini
7. Sakthi @ Sakthivel

... Petitioners/Accused
Rank Not Known
IN CRL OP (MD) .18933/2021

1. Santhosh @ Santhoshkumar
2. Sarathkumar
3. Sathis @ Sathiskumar
4. Dhinesh
5. Agith
6. Arivalagan

... Petitioners/Accused
Rank Not Known
In CRL OP (MD) .18934/2021

Vs

The State rep.by
The Inspector of Police,
Boothalure Police Station,
Thanjavur District
(Crime No. 448 of 2021).

... Respondent/Complainant
In Both Petitions

For Petitioners : Mr.C.JOSEPH SATHIANESON, Advocate.
In CRL OP (MD) .18933/2021

For Petitioners : Mr.M.RAJARAJAN, Advocate.
In CRL OP (MD) .18934/2021

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor
In Both Petitions

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

COMMON PRAYER :- For Anticipatory Bail in Crime No. 448 of 2021 on the file of the respondent Police.

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



COMMON ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 427, 307 I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.448 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that since the cattle of the defacto complainant entered into the 3rd accused's land, there was a quarrel arose between them and the accused persons attacked the defacto complainant party. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

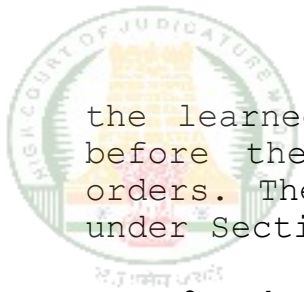
4. Reading of FIR shows that cattle dispute arose between the parties and later that was compromised. Subsequent to that on 24.11.2021 at about 10.30 the occurrence took place, in which several persons have been assaulted by these petitioners along with others and more than 7 persons got injury in the above said incident and 4 of them sustained injury on the head and 2 on the legs and head.

5.The learned Additional Public Prosecutor submitted that the injured persons in this case have been discharged from the hospital.

6.The learned counsel for the petitioners submits that the counter complainant given against the defacto complainant was not entertained by the police. When the matter is taken up for hearing on 06.12.2021, the Investigating Officer was present. Thereafter, the counter complaint was registered in Crime No.467 of 2021 for the offences punishable under Section 294(b), 324, 323 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. The date of occurrence is also stated to be 24.11.2021. But the FIR has been registered on 09.12.2021. Reading of the counter FIR shows that on the very same date of occurrence i.e., on 24.11.2021 at about 10.00 a.m. this petitioners have been assaulted.

7. Considering the fact it is a case in counter case and the injured persons have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Thiruvaiyaru, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) and two sureties each for a like sum to the satisfaction of



the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petitions for anticipatory bail stand dismissed.

sd/-

10/12/2021

/ 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, THIRUVAIYARU.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
BOOTHALURE POLICE STATION,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. PON KARTHIKEYAN.R. Advocate SR.No.9123 (CRL OP (MD) . 18933/2021)

+1. CC to M/S. M.RAJARAJAN, Advocate SR.No.9124 CRL OP (MD) . 18934/2021)

ORDER IN

CRL OP (MD) . Nos.18933 & 18934 of 2021
Date :10/12/2021

SA/PN/SAR.2/16.12.2021/3P/7C