



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.19427 of 2021

1. Arul Rayappan @ Arul Selvam
2. Pon Veeriya Perumal
3. Pon Arputharaj
4. Poulraj
5. Christober Charles
6. Gnanaselvam

... Petitioners/Accused Nos.1 to 6

Vs

State Rep.by
The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
(Cr.No. 365/2021).

... Respondent/Complainant

For Petitioners: M/s.Radhakrishnan.G.,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

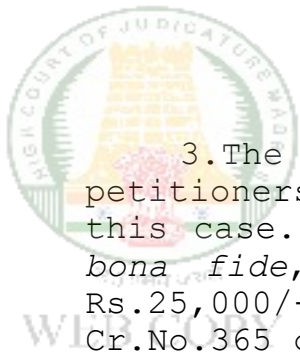
PRAYER :-

For Anticipatory Bail in Crime No. 365 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 6, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 448, 294(b), 427 & 506(ii) I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.365 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous land dispute between the petitioners and the defacto complainant, petitioners abused the defacto complainant with filthy language and caused damage to the tin sheets. Hence, the complainant.



3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. There is a case in counter case. However, to show their *bona fide*, the petitioners have come forward to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Cr.No.365 of 2021 before the trial Court concerned.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that there is a case in counter case. There is no injury in this case. But, tins worth about Rs.50,000/- has been damaged by the petitioners.

5.It appears that based on the complaint given by the defacto complainant this case has been registered in Crime NO.365 of 2021. Based on the complaint given by the brother of the fifth petitioner herein, case in Crime NO.226 of 2021 has been registered against the defacto complainant for the offences punishable under Section 147, 148, 294(b), 307, 324, 506(ii) and 109 IPC. The date of occurrence is stated to be on 14.11.2021, whereas in the present case the date of occurrence was mentioned as 15.11.2021. But the FIR has been launched on 20.11.2021, whereas the above said FIR has been launched on 14.11.2021, i.e., on the date of occurrence itself. It appears that subsequent to the above occurrence, the present occurrence said to have taken place.

6.Considering the nature of offence, the overt act attributed against the petitioners and the injured person has been discharged from the hospital and their willingness to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Cr.No.365 of 2021 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

8.On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.III, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common 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 petition for anticipatory bail stands dismissed.

sd/-
09/12/2021

WEB COPY

/ 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 No.III, Thoothukudi.
2. Do-Through The Chief Judicial Magistrate,
Thoothukudi District.
3. The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.19427 of 2021
Date :09/12/2021

RS/VR/SAR4 (14.12.2021) 3P-5C