



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.20441 of 2021

1. Selvaraj
2. Vijayalakshmi
3. Annalakshmi
4. Mathavan
5. Selvam

... Petitioners/
Accused Nos.1,2 and 4 to 6

Vs

The State rep.by
The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
Cr.No. 531 of 2017.

... Respondent/Complainant

For Petitioners: Mr.S.KALIAPPAN,
Advocate.

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.531 of 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.531 of 2017, seek anticipatory bail.

2.The case of the prosecution is that there was previous dispute between the parties, with regard to usage of panchayat Public Syntax Water Tank, 01.06.2017, at about 07.15PM, the accused persons abused and assaulted the the *defacto* complainant and his mother and they also threatened them with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that there was dispute between the parties, with regard to the usage of water and it is a case in counter, based upon the complaint given by the petitioners, the counter case was registered in Crime No.292 of 2017 against the *defacto* complainant party and that injured was treated as out patient in the incident. Further he would submit that



in this case third accused was deleted from the FIR and he already applied passport. Hence, prays to release the petitioners on anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the petitioners, case in counter was registered in Cr.No.292 of 2017 for the offences under Sections 294(b), 323, 506(i) IPC & 4, 3(i)(f), 3(i)(s), 3(2)(va) SC/ST Act, against the defacto complainant party and in this case injured was treated as out patient.

5.Reading of the FIR shows that there was dispute between two groups of people with regard to usage of syntax water. It appears that on 01.06.2017, at about 07.15PM, again trouble arose between them, for which, both parties were assaulting each other. This case and case in counter were registered based on the single occurrence.

6.Considering the facts and circumstances of this case, nature of dispute between the parties, that injured was treated as out patient and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate No.II, Virudhunagar and on their executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with 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 am for a period of one month and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
21/12/2021

/ 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 NO.II
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KALIAPPAN.S, Advocate SR.No.9566

ORDER

IN

CRL OP(MD) No.20441 of 2021

Date :21/12/2021

PNM

SA/JM/SAR.1/28.12.2021/3P/6C