



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20565 of 2021

1. Sutharson,

2. Selva Jaslin,

3. S.Raja @ Jebastin,

4. J.Jeya Josph John,

5. T.Rajan,

... Petitioners/Accused Nos.1 to 5

Vs

State Rep by,
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
Cr.No. 533 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.Palani Velayutham, 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.533 of 2021 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 147, 323, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.533 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was previous enmity between the parties, with regard to construction of compound wall, on 12.12.2021 at about 10AM, the accused persons had abused, assaulted the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence and that no one was injured in the occurrence. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that no one was injured in the incident and the petitioners are not having any previous case at their credit.

5.Reading of the FIR shows that there was dispute between the *defacto* complainant and the accused persons, regarding construction of compound wall, on 12.12.2021 at about 10.00AM, at the time of assembly in CSI Church, it appears that a statement has been made in the mike that the husband of *defacto* complainant was trying to grab the property. Due to which, trouble arose between the parties and the occurrence took place.

6.Considering the facts and circumstances of this case, that the nature of dispute between the parties, that no one was injured in the incident and that the petitioners are not having any previous case at their credit, 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, Additional Mahila Court, Nagercoil, Kanyakumari District 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.

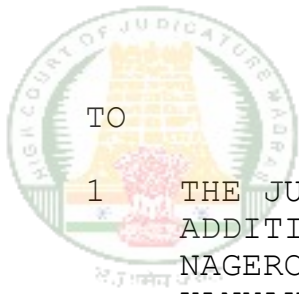
sd/-
22/12/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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



TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
NAGERCOIL,
KANYAKUMARI DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20565 of 2021

Date :22/12/2021

PKP/CN/SAR-4/29.12.2021/3P/5C