



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.20582 of 2021

1. P.K.Vanjimuthu @ P.K.Vanchimuthu
2. V. Valliammal
3. V.Sudha
4. Vijay Prabhakar
5. Sreemathi @ M.Srimathi
6. Chandran
7. Indra
8. Mayilathal
9. N. Nachimuthu

... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
Ambilikkai, Dindigul District.
(Crime No.531/2021).

... Respondent/Complainant

For Petitioner : M/s.M.Joseph Thatheus Jerome,
Advocate.

For Respondent : M/s.S.Manikandan,
Government Advocate (Crl.Side)

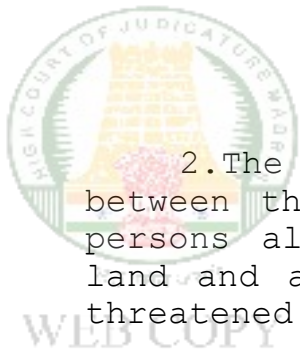
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.531 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, 148, 294(b), 323, 324, 506(2) IPC, in Crime No.531 of 2021, seek anticipatory bail.



2.The case of the prosecution is that there was land dispute between the parties, on 15.12.2021 at about 12 noon, the accused persons alleged to have made criminal trespass into the disputed land and abused, assaulted the *defacto* complainant party and also threatened them with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that it is a case in counter, based upon the complaint given by one Chellammal, the counter case was registered in Crime No.532 of 2021 against the *defacto* complainant party and that the injured were discharged from the hospital. Hence, prays to release them on anticipatory bail.

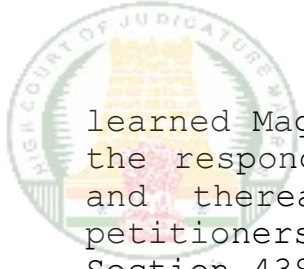
4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by one Chellammal, case in counter was registered in Cr.No.532 of 2021 for the offences under Sections 147, 323, 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, against the *defacto* complainant party and in this case injured were discharged from the hospital. He would further submit that the first, second, fourth and eighth petitioners are facing trial in Crime No.1008 of 2020 before the concerned Court.

5.Reading of the FIR shows that on 22.06.2021, due to land dispute between the parties, proceedings under Section 145 Cr.P.C. was initiated by the Revenue Divisional Officer and later it was stayed by the order of this Court in Crl.OP(MD)No.20033 of 2021. On 15.12.2021, at about 12noon, the accused persons alleged to have made criminal trespass into the disputed land, criminally intimidated the *defacto* complainant and caused injuries to several persons and they were shifted to hospital and later discharged from the hospital.

6.In respect of same occurrence, counter case was registered in Crime No.532 of 2021 against the *defacto* complainant, based on the complaint given by one Chellammal, who is the mother of sixth and seventh petitioner. Reading of counter FIR shows that the date of occurrence was stated to be 15.12.2021 and time was mentioned as 10.45AM, whereas, in this case time was mentioned as 12.00noon.

7.Considering the facts and circumstances of this case, nature of dispute between the parties with regard to land, that injured was discharged from the hospital and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate, Oddanchatram, Dindigul and on their executing 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 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.

9. 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

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
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 concerned.

TO

1. THE JUDICIAL MAGISTRATE,
ODDANCHATRAM, DINDIGUL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
3. THE INSPECTOR OF POLICE,
AMBILIKKAI, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. JOSEPH THATHEUS JEROME.M Advocate SR.No.9625

ORDER
IN
CRL OP (MD) No.20582 of 2021
Date :22/12/2021