



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Seventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2787 of 2022

1 M.MALLIKA
2 D.MANI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.23/2022

[RESPONDENT]

For Petitioner : M/S C.MOHAN RAJ Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under section 294(b), 324, 427 506(ii) of IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Crime No.23 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant preferred a complaint against the petitioners stating that there was a property dispute between the petitioners' family and de-facto complainant. It was alleged that on 13.11.2021, the petitioners had entered into the land of the de-facto complainant and had abused the de-facto complainant with filthy language and threatened her with dire consequences. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that due to the land dispute, the petitioners and the de-facto complainant had developed the enmity and as a result of which, the petitioners criminally intimidated the de-facto complainant, otherwise, the petitioners are



not having any intention to attack the de-facto complainant. He further submits that there was a counter case filed against the de-facto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) submits due to property dispute between the petitioners and defacto complainant, the present complaint has been preferred. He further submits that in the alleged occurrence, the de-facto complainant has not sustained any visible injuries. However, he vehemently opposed for grant of anticipatory bail to these petitioners.

5. Submissions made by the counsels appearing on either side considered. Since none of the person, who participated in the occurrence are not sustained any injury, custodial interrogation may not be necessary in this case. Hence, considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Gingee, Villupuram District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to appear before the respondent police on every Saturday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

07/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to C.MOHAN RAJ Advocate on payment of necessary charges

CRL OP.2787/2022

Date :07/02/2022

RVR 14/02/2022