



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

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL ORIGINAL PETITION No.12627 of 2022

1 PASUPATHI
2 PARIMALA
3 SIVANANDHAM
4 AYYANAR
5 NAVEEN @ NAVINKUMAR
6 SURESH

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE
KANAI POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO. 172 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.RAJADURAI Advocate

For Respondent : MR.V.MEGANATHAN, 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 for the alleged offence under sections 147, 148, 294(b), 323, 324, 506(ii) of IPC r/w. Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.172 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant hail from the very same village and there is dispute with regard to the occupation of the Temple land. This is a case in counter.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. Accordingly, the learned counsel pray for grant of Anticipatory Bail to the petitioners.



4.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that is is a case in counter and that there is dispute with regard to the occupation of the Temple land in between the petitioners and the defacto complainant.

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5.Heard the submissions made by the learned Counsel appearing for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent.

6. Considering the fact that the petitioners and the defacto complainant hail from the very same village and there is dispute with regard to the occupation of the Temple land and the fact that this is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to imposing conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court I, Villupuram, on condition that each of 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, failing which the petitions for anticipatory bail shall dismissed 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 shall report before the respondent police 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.

-sd/-

27/05/2022

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,
NO.I, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE
KANAI POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.RAJADURAI Advocate on payment of necessary charges
Sr.8175

CRL OP.12627/2022

Date :27/05/2022

RVR 31/05/2022