



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2022

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.916 of 2022

1.S.Antonisamy
2.A.Joshva John Peter
3.Joshpinmary

... Petitioners/Accused-A 1-3

Vs

State Rep.by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.21/2022).

... Respondent/Complainant

For Petitioner : M/s.Senthilkumar A,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

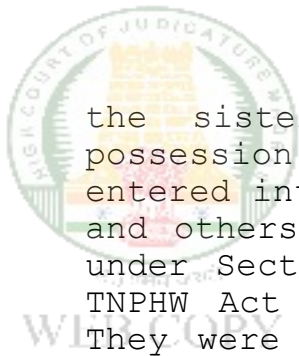
For Anticipatory Bail in Crime No.21 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506(i) IPC in Crime No.21 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case against the petitioners is that the petitioners and the defacto complainant are close relatives. Already a civil suit in O.S.No.177 of 2015 is pending between them. The petitioners entered into the property and threatened the defacto complainant and others with dire consequences and given life threat. Hence, the case.

3.On the side of the petitioner it is stated that there is a case and counter case. Both the petitioners and the defacto complainant are relatives. The defacto complainant is the husband of



the sister of the first petitioner. The petitioners are in possession of the property. It was the defacto complainant, who entered into the property and they brutally attacked the petitioners and others. Hence, a case in Crime NO.20 of 2022 for the offences under Sections 147, 148, 294(b), 324, 307 of IPC and Section 4 of TNPHW Act was registered against the defacto complainant parties. They were arrested in the case. Only to escape from the criminal case they foisted this false case. The third petitioner was attacked by the defacto complainant and others and she is having 30 stitches in her head and she is still in hospital. The first petitioner is more than 50 years old. The third petitioner is 51 years old and prayed the petitioners to be granted anticipatory bail.

4.On the side of the prosecution it is stated that there are four accused in the case. The petitioners are not having any previous case. The injured was discharged from the hospital. There is a civil case pending between the parties.

5.It is seen that there is a case and counter case between both the parties. A civil suit is also pending. The injured was already discharged from the hospital. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Thanjavur District, on condition that the petitioners shall execute 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 report before the learned Judicial Magistrate Court No.II, Thanjavur, daily at 10.30 a.m. for a period of one month. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
20/01/2022

/ TRUE COPY /

/ /2022
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.

WEB COPY

1. The Judicial Magistrate No.II, Thanjavur.
2. Do-Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Inspector of Police,
Vallam Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.916 of 2022
Date :20/01/2022

RS/PN/SAR.3(25.01.2022) 3P-5C