



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 09/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)No.1123 of 2022

1.Sivanathan
2.Bevina
3.Sureshkumar @ Suresh
4.Ilakkia
5.Sivakumar @ Prasanna
6.Saravanakumar
7.Rose Mary

... Petitioners/Accused No.1 to 7

Vs.

State rep. By
The Inspector of Police,
Silaiman Police Station,
Tirunelveli District.
(Crime No.4 of 2022)

... Respondent/Complainant

Seetha Lakshmi

... Petitioner/Intervenor/
Defacto Complainant
(in Cr1.M.P.(MD)No.1907/2022)

For Petitioner : M/s.V.Panneerselvam, Advocate

For Respondent : M/s.S.Manikandan
Government Advocate(Criminal side)

For Intervenor : M/s.M.Illiyas, Advocate

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

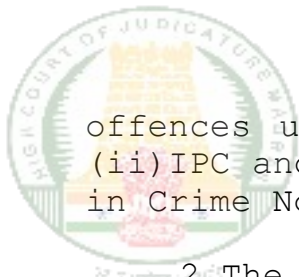
PRAYER :-

For Anticipatory Bail in Crime No.4 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioners, who are arrayed as A1 to A7 apprehending arrest at the hands of the respondent police for the alleged



offences under sections 147, 148, 341, 294(b), 442, 447, 427, 506 (ii)IPC and Section 4 of Tamil Nadu Prohibition of Woman Harassment, in Crime No.4 of 2022, seek anticipatory bail.

2.The petitioners are facing the charges for the offences punishable under sections 147, 148, 341, 294(b), 442, 447, 427, 506 (ii)IPC and Section 4 of Tamil Nadu Prohibition of Woman Harassment.

3.Heard both sides.

4.On going through the entire CD file, it is seen that there was a civil dispute between the de-facto complainant, who is the intervener as well as the accused persons. On 17/09/2017, against the petitioners and others on the basis of the complaint given by one Vinothkumar, a case in Crime No.567 of 2017 was registered for the offences under sections 147, 148, 294(b), 307 and 509(2) IPC. In respect of the civil dispute, a suit in O.S No.463 of 2019 was filed by the first petitioner before the Additional District Judge No.1, Tirunelveli and now it is pending. It appears that there is a common wall dispute between the de-facto complainant and the petitioners.

5.The learned counsel appearing for the intervener/de-facto complainant would submit that the petitioners are neighbours and they have encroached the Government poramboke road and constructed the house and for the purpose of removing the encroachment, WP(MD) No.18254 of 2020 has been filed and it is pending. So because of the above said case, now the present occurrence said to have been taken place by using the dangerous weapons and threatened the de-facto complainant and her son. They have also damaged the compound wall worth about Rs.1.10 lakhs. They have also assaulted the son of the de-facto complainant with dangerous weapons. Since no action was taken, the de-facto complainant approached the Judicial Magistrate No.1, Tirunelveli, by way of filing a petition under section 156(3) Cr.P.C. Only based upon the above said direction, now the case has been registered.

6.The earlier anticipatory bail application that was moved by all the accused persons before the Principal Sessions Judge, Tirunelveli, in CrI.M.P No.309 of 2022 came to be dismissed on the ground that all the accused persons are having previous cases. So on going through the entire records, as mentioned by the intervener, it appears that there is a compound wall dispute exists between the de-facto complainant and the accused persons.

7.The learned counsel appearing for the intervener also produced the photographs showing the nature and manner of occurrence. As mentioned above, in respect of the above said issue, a suit is also pending before the concerned court. In respect of the previous cases, the petitioners have given explanation to the effect that CC No.54 of 2017 ended in acquittal. In respect of Crime No.585 of 2017, it is a proceedings that was initiated under section 107 Cr.P.C and that was quashed by this court in CrI.OP(MD)No.15211 of



2017. So according to the learned counsel appearing for the petitioner, both the above said cases are not related to this issue.

8. So considering the fact that it is a dispute between the neighbours and there was no serious injury to any one in the course of the above said occurrence and also considering the fact that there was a civil dispute between the parties and in respect of which, a civil suit in O.S No.463 of 2019 is pending on the file of the Additional District Judge No.1, Tirunelveli, this Court is inclined to grant **anticipatory bail to the petitioners** with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Principal Sessions Judge, Tirunelveli and on each of them executing 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 learned Judge concerned and on further condition that the petitioners shall appear before the respondent police once in 15 days at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. 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 will stand dismissed.

9. After passing of the orders, the learned appearing for the intervener/de-facto complainant would submit that there is every possibility of the accused persons to return to the occurrence village and make a threat and the de-facto complainant is a old lady. So, the petitioners are directed not to make any trouble to the de-facto complainant. If any trouble arises the de-facto complainant is at liberty to give complaint. In such event, if any new complaint is registered against the petitioners, the anticipatory bail granted to the petitioners in this case, shall stand cancelled automatically without reference to this court.

Sd/-
09/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE PRINCIPAL SESSIONS JUDGE,
<https://hcservices.ecourts.gov.in/hcservices/>
TIRUNELVELI.



2. THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S. PANNEERSELVAM.V Advocate SR.No.5402

ORDER

IN

CRL OP (MD) No.1123 of 2022

Date :09/02/2022

SP/JM/SAR IV/15/02/2022/4P/5C