



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2022

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1723 of 2022

PREMNATH @ ASAITHAMBI, ... PETITIONER/SOLE ACCUSED

VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
NATHAM, DINDIGUL DISTRICT.
(CRIME NO.31/2022).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.MOHAMMED SALIYA.M,
ADVOCATE.

FOR RESPONDENT : MR.S.MANIKANDAN,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

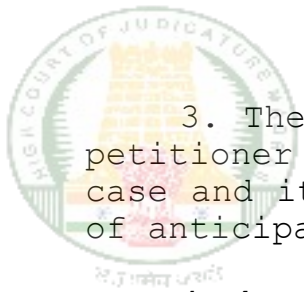
PRAYER :-

For Anticipatory Bail in Crime No.31 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 447, 294(b), 506(i) and Section 4 of TN Prohibition of harassment of Women Act, 2002 of IPC, in Crime No.31 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to the land dispute between the parties, trouble arose. One Madhubala is the defacto complainant, who is the wife of Balu. The petitioner and their family members said to have tried to occupy the lands of her husband and brother. Hence, she filed a petition under Section 156(3) of Cr.P.C before the learned Judicial Magistrate Court, Natham in Crl.MP.No. 2021 against the petitioner. As per the direction of the learned Magistrate, a present case has been registered.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and it is a case and case in counter. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter. In both the cases, investigation is going on.

5. The learned counsel for the petitioner would submit that because of the land dispute between the parties, trouble arose. Now, the petitioner has also taken steps to include his name in the revenue records. To that effect his mother has also filed a writ petition before this Court. On the basis of the complaint given by the petitioner, a case in Crime No.107 of 2020 has been registered against the defacto complainant and others. Due to that motive, the defacto complainant lodged a complaint and obtained a direction from the concerned Magistrate. Now, the present case has been registered on the basis of the direction given by the concerned Magistrate.

6. Considering the facts and circumstances of the case and also the considering the fact that it is a case and case in counter and none is injured, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Natham, Dindigul District, on condition that the petitioner 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioner 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. If any case is registered against the petitioner, the anticipatory bail petition shall stand cancelled automatically without reference to this court.

sd/-
31/01/2022

/ 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,
NATHAM, DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
NATHAM, DINDIGU DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1723 of 2022
Date : 31/01/2022

GC/VR/SAR-2(03.02.2022) 3P 5C