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CRL OP(MD).A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11262 of 2022

1. M.Mariappan,

2. J.Mahendran,

... Petitioners/Accused No.1 & 2

Vs

The State rep by,
The Inspector of Police,
Vathirairruppu Police Station,
Virudhunagar District.
Cr.No.157/2022.

... Respondent/Complainant

Indhira

...Intervene Petitioner/Defacto Complainant
in CRL MP(MD)No. 7432 of 2022

For Petitioners: Mr.A.R.Kannappan,Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervener : Mr.T.Lajapathi Roy,Advocate
in CRL MP(MD)No. 7432 of 2022

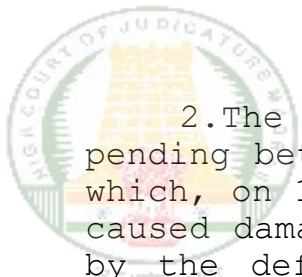
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No.157/2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, apprehending arrest at the
hands of the respondent police for the alleged offence punishable
under Sections 294(b), 427 and 506(ii) of IPC r/w Section 4 of Tamil
Nadu Prohibition of Women Harassment Act, in Crime No.157 of 2022 on
the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that there was a land dispute pending between the petitioners and the defacto complainant. Due to which, on 16.06.2022 at about 03.00 p.m the petitioners said to have caused damage to the shed worth about Rs.30,000/-, which was put up by the defacto complainant. Thereafter, the petitioners said to have abused the defacto complainant with filthy language and also attacked her with iron rod. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that is a case and case in counter and hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel appearing for the intervener submitted that the petitioners said to have caused damage to the shed worth about Rs.30,000/-, which was put up by the defacto complainant. Hence, he pray to dismiss the petition.

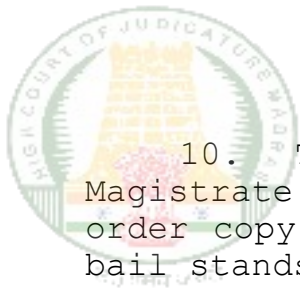
5. The learned Government Advocate (Crl. Side) for the respondent police submitted that because of both are neighbours, trouble has been arisen between the parties. He further submitted that it is a case and case in counter. On the basis of the complaint given by the petitioners against the defacto complainant, case in Crime No.158 of 2022 has been registered.

6.It appears that both are neighbours, trouble has arisen between the parties. The petitioners may take steps to settle the issue.

7. Considering the facts and circumstance of the case and it is a case and case in counter and no bad antecedents reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only), each to the credit of Cr.No.157 of 2022 before the trial Court concerned, without prejudice to his right and contentions before the trial Court.

9.On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the Additional Mahila Court, Srivilliputhur, Virudhunagar 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 appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.



10. 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.

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/ 07/2022

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

VSG

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.

TO

- 1 THE ADDITIONAL MAHILA JUDGE,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE INSPECTOR OF POLICE
VATHIRAIRRUPPU POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-6420[I] dated 01/07/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-6435[I] dated 01/07/2022)

ORDER
IN
CRL OP(MD) No.11262 of 2022
Date :30/06/2022

PKP/SVR/SAR-3/12.07.2022/3P/6C