



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11242 of 2022

1. Premnasir,
2. Bhagrutheen @ Bhakurutheen Ali,
3. Appash @ Abbas Salim,
4. Thavdhu @ Mohamed Thavud,
5. Mubarak,
6. Akbar,
7. Bismillaaharish,
8. Sabeer @ Sabeer Rahuman,
9. Umarsherif,
10. Abdulmunna,
11. Thaalip @ Moosakani,
12. Vavapugardheen,
13. SPH Shakul @ Shahul Hameed,
14. SPK Imrankan,
15. Muji @ Mujipar Rahman,
16. Sartharbabuji,
17. Vavapukardheen,

... Petitioners/Accused Nos. 1 to 9,
12 to 17, 19,20

Vs

State Rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District

<https://www.cmhj.mg.gov.in/jdis> 179 of 2022).

... Respondent/Complainant



For Petitioners : Mr.S.Vikram, Advocate.

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

WEB COPY

For Intervenor : Mr.R.Udhaya Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 179 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 147, 148, 294 (b), 323, 324, 427 and 506 (2) IPC in Crime No.179 of 2022 on the file of the respondent police.

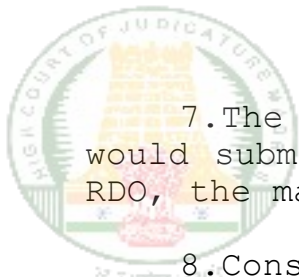
2.The case of the prosecution is that the defacto complainant lodged a complaint stating that on 17.06.2022 at about 06.30 pm., when the defacto complainant's party were making some sort of consultation, the accused persons came there with deadly weapon and caused assault with bricks and wooden log, in which the defacto complainant and other persons got severely injured and were also criminally intimidated. They also caused damage to the car bearing Reg.No.TN 55 AL 1000, worth about Rs.10,000/-.

3.Seeking anticipatory bail, this petition has been filed by all the accused persons. They have been granted interim protection, in view of the fact that the matter is going to be compromised between the parties during the peace committee meeting.

4.On 05.08.2022, the parties were directed to appear before the Revenue Divisional Officer, who has convened the peace committee meeting and the learned Principal District and Sessions Judge, Sivagangai has passed an order on 10.08.2022, granting anticipatory bail to some of the parties.

5.The learned counsel for the petitioners would submit that there is an observation by the concerned Court that the matter has been compromised between the parties.

6.The statement of the aforesaid observation, according to the defacto complainant, is not known. There was no compromise between the parties.



7.The learned Government Advocate (Crl.side) for the respondent would submit that since both the parties did not appear before the RDO, the matter is still pending.

8.Considering the fact that both side were claiming rival title over the property, thorough investigation is required.

9.The learned counsel for the defacto complainant would submit that the defacto complainant is only interested in deserving and maintaining the common property, which belongs to the village Pallivasal.

10.Since there is rival claim over the property, as I mentioned above, it can be decided only during the course of trial, after completion of the investigation. But however, the co-accused have been granted anticipatory bail by the learned Principal District Judge, Sivagangai, this Court is inclined to grant anticipatory bail to the petitioners herein also.

11.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, Thiruppuvanam, Sivagangai 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 am., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall also deposit a sum of Rs.10,000/- to the credit of Crime No.179 of 2022 before the learned Judicial Magistrate, Thiruppuvanam, Sivagangai District towards cost for the damage that was caused to the defacto complainant's vehicle.

12.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 shall stand dismissed. Consequently, connected miscellaneous petition is closed.

sd/-

24/08/2022

/ TRUE COPY /

/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM.

WEB COPY

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSEPCTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.11242 of 2022

Date :24/08/2022

PKP/SVR/SAR-4/05.09.2022/4P/5C