



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/06/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **G.ILANGOVA**

CRL OP(MD). No.11246 of 2022

Subramaniyan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kabistharam Police Station,
Thanjavur District.
(Crime No. 380 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Karunakaran K M,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 380 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 offences punishable under Sections 294(b), 354, 427 of I.P.C, r/w Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, in Crime No.380 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to the civil dispute, trouble arose between the parties. On 16.06.2022, at about 12.00 p.m, when the accused person started to cut the trees standing in the disputed property, the same was objected by the defacto complainant. Hence, the petitioner said to have abused the defacto complainant and her daughter in filthy language and also assaulted them and they were admitted in the Government Hospital, Kumbakonam. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that in respect of very same occurrence, counter case has been registered in crime No.381 of 2022 under Sections 294(b), 323 and 379 of IPC against the defacto complainant party.

5. Reading of the counter complaint shows that because of the cutting of said tress in the disputed property, trouble has been arisen between the parties.

6. Considering the facts and circumstances of the case and also considering the fact that counter complaint has been registered against the defacto complainant, 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, Papanasam, 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.

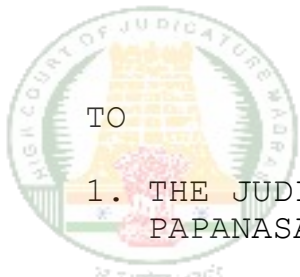
8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
29/06/2022

/ TRUE COPY /

/07/2022
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



TO

1. THE JUDICIAL MAGISTRATE,
PAPANASAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. KARUNAKARAN K M Advocate SR.No.6334

ORDER
IN
CRL OP(MD) No.11246 of 2022
Date :29/06/2022

RK/SVR/SAR-II/07.07.2022 : 3P/6C