



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.12702 of 2022

WEB COPY

Selwyn Christopher

... Petitioner/Accused No.1

(Amended as pre order dated
27/07/2022 of this Hon`ble
Court in Crl.MP(MD).8230/2022
in Crl.OP(MD).12702/2022)

Vs

The State rep.by
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
Cr.No.112/2022.

... Respondent/Complainant

For Petitioner : Mr.SATHYA CHIDAMBARAM.S, Advocate.
For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.112/2022 on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 147, 294(b),
323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of
Harassment of Women Act, 2002, in Crime No.112 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 trouble was created by the accused
persons stating that the defacto complainant has put up a shed for
poultry farming in the property. On 08.07.2022 at about 09.30 pm.,
when she was visiting the place for inspecting the work that was
undertaken, the accused persons came there, picked up quarrel
stating that the property belongs to them and caused assault with
aruval and stones. She was also criminally intimidated. Over the
aforesaid occurrence, now the case has been registered.

3.The learned Government Advocate (Crl.side) for the respondent
would submit that because of the previous enmity with regard to the
land issue, the aforesaid occurrence said to have taken place and
the injured has been discharged from the hospital on the next day of
the treatment.



4.The learned counsel for the petitioner would submit that though the petitioner is involved in two previous cases, those cases have been registered falsely over the land issue by the persons, who are the relatives of the defacto complainant. On the date of alleged occurrence, the petitioner went to Chennai to board flight to went abroad, for which he has produced a copy of the flight ticket, wherein we find that the date of journey is mentioned as 08.07.2022 and the time of scheduled departure is also mentioned as 09.15 pm.,

5.According to the learned counsel for the petitioner, the occurrence said to have taken place at about 09.30 pm., So, the petitioner was not present in the place of occurrence in time and for showing that he went to the abroad on the next day, he has enclosed a copy of the flight ticket. So, according to him, this is the false case.

6.The petitioner is involved in two previous cases in Crime No.583 of 2020 and 127 of 2016. However, considering the fact that he boarded the flight at about 09.15 pm., on the date of occurrence, the occurrence said to have taken place only at about 09.30 pm. *Prima facie*, a case has been shown to the effect that there is no probability for the petitioner to have been present in the place of occurrence. Only on that ground, even though the petitioner is having 2 previous cases, this Court is inclined to grant anticipatory bail to him.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli 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 shall stand dismissed.

sd/-
30/08/2022

/ TRUE COPY /

08/09/2022
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.

TO

- 1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SATHYA CHIDAMBARAM.S Advocate SR.No.9302

ORDER

IN

CRL OP(MD) No.12702 of 2022
Date : 30/08/2022

MM

SA/VR/SAR.2/08.09.2022/3P/6C