



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.14668 of 2022

1. Kannan
2. Nagarajan
3. Selvi
4. Janaki

... Petitioners/Accused No. (**) 1, 3, 4 & 6

Vs

1. The State Rep. By,
The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
Crime No.245 of 2022.

... Respondent/Complainant

2. Shanthi

... Petitioner/Intervener
in CRL MP(MD) No.10315/2022

For Petitioners : M/s.Sivabalan K, Advocate
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)
For Intervener : Mr.C.Suresh Kannan, Advocate

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

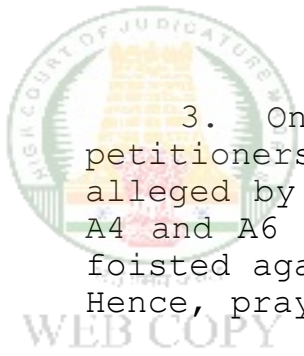
PRAYER :-

For Anticipatory Bail in Crime No.245 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections (*) 147, 294(b), 323, 324, 354, 506(ii) I.P.C, in Crime No.245 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, the defacto complainant and her husband, who is the brother of A1, were called by the accused persons, for to settle the issue between the family members. At that time, the accused persons abused, assaulted them and also criminally assaulted with dire consequences. Hence, the complaint.



3. On the side of petitioners, it is stated that the petitioners are innocent and had not committed any offence, as alleged by the prosecution. The petitioners are arrayed as A1, A3, A4 and A6 in this case. Due to property dispute, a false case was foisted against them. The injured were discharged from the hospital. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of intervener, it is stated that after the occurrence, the defacto complainant was admitted in the hospital on 07.08.2022. At that time also A1 came to the hospital and assaulted her. Due to her injuries, she was discharged only on 03.08.2022. Considering the gravity of the offence, prays to dismiss the petition.

5. On the side of prosecution, it is stated that there are totally six accused in this case and A1 is the brother of defacto complainant's husband. A2 to A5 are the siblings to the defacto complainant's husband. A6 is his mother. Since there was property dispute between the parties, this occurrence took place. Though, the defacto complainant and her husband were discharged from the hospital, the defacto complainant was assaulted by A1, even at the hospital. Hence, prays to dismiss the petition.

6. Considering the overt act attributed against A1 and considering the strong objection raised by the prosecution, this Court is not inclined to enlarge the first petitioner/A1 on anticipatory bail. This Criminal Original Petition stands dismissed, in respect of first petitioner.

7. However, considering the property dispute between the parties and considering that the injured were discharged from the hospital and that the petitioners 2, 3 & 4 are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the petitioners 2, 3 & 4 alone.

8. Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2, 3 & 4 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Thuraiyur, Trichy District, on condition that the petitioners 2, 3 & 4 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 on further conditions that:

(a) the petitioners 2, 3 & 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners 2, 3 & 4 shall report before the nearest police station daily at 10.30 am until further orders;



(c) the petitioners 2, 3 & 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2, 3 & 4 shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2, 3 & 4 in accordance with law, as if the conditions have been imposed and the petitioners 2, 3 & 4 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused/ petitioners 2, 3 & 4 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

(*) (**) AMENDED AS PER ORDER OF
THE COURT DATED 25.08.2022 IN
CRL MP(MD) NO.10022/2022 IN CRL
OP(MD) NO.14668/2022.

sd/-
22/09/2022

/ TRUE COPY /

/10/2022

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

TO

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

+1 CC to M/s.M/S.SIVABALAN K, Advocate SR-10479[I]

+1 CC to M/S.C.SURESHKANNAN, Advocate SR.No.10464(I).

ORDER
IN
CRL OP(MD) No.14668 of 2022
Date : 22/09/2022

pnm

USK/VR/SAR-II/29.09.2022/3P/7C