



WEB COPY



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

Date : 23/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.16458 of 2022

Nagarajan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
(Crime No.117 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Chandrasekar R, Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.117 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No., apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) I.P.C, in Crime No.117 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a cultivating tenancy issue pending between one Manikandan and one Ramachandran which culminated into a civil suit in O.S.No.66 of 2021. The said suit was ordered negatively against the said Maheshwaran and hence, he has preferred A.S.No.3 of 2022 and the same is pending. In these circumstances said Maheshwaran approached the defacto complainant to mediate the above issue and informed him that the land lord is willing for a compromise. Subsequently, both of them went to the fields of the said Ramachandran there both the disputed parties



entered into compromise and signed the papers on 20.06.2022 at 2.30 p.m. At that time the accused persons namely Nagendran brother of the said Maheshwaran and his son Nagarajan came to the spot and prevented the compromise talk and scolded the defacto complainant in filthy language and one Paramasivam assaulted the defacto complainant with a sharp stone and caused grievous injury near the defacto complainants eyes. Moreover all the accused persons threatened the defacto complainant with dire consequences. Subsequently, the defacto complainant was taken to the Hospital, wherein, he was treated and subsequently, took treatment at a private hospital and after recovery lodged the complaint.

3.The earlier application filed by the petitioner along with co-accused/A4 seeking anticipatory bail was dismissed by this Court in CrI.O.P.(MD).No.12604 of 2022 by the order dated 12.08.2022 on the ground that both the petitioners after obtaining the interim protection from this Court have also committed murder of a person by name one Saraswathi. At that time, the learned counsel for the intervenor also present before this Court and submitted that they are going to take steps to investigate the matter by adding this petitioner also in the above said murder case. On that ground also the earlier petition was dismissed. Now, the Investigating Officer is present before this Court stated that in the above said murder case, this petitioner is not added and the involvement of this petitioner is not found.

4. Recording the statement made by the Investigating Officer, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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, Virudhunagar, 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.

6. 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.

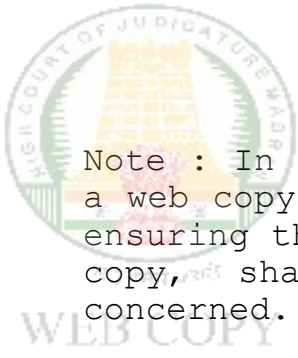
Sd/-

23/09/2022

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/10/2022

Sub-Assistant Registrar (C.S.II)
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,
VIRUDHUNAGAR.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.CHANDRASEKAR R Advocate SR.No.10430

ORDER
IN
CRL OP(MD) No.16458 of 2022
Date :23/09/2022

SP/GB/SAR II/14/10/2022/3P/6C