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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2022

PRESENT

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

CRL OP(MD). No.16333 of 2022

1. Vadivel
2. Arumugam
3. Shanmugavel
4. Kumar
5. Murugesan

... Petitioners/Accused (Rank Not Known)

Vs

The State rep.by,
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.163 of 2022).

... Respondent/Complainant

Vijayalakshmi ... Intervener Petitioner / Defacto Complainant
in CRL MP(MD)No.11130 of 2022

For Petitioners : M/s.Muralikumar A, Advocate.
For Intervener : Mr.S.Rameshkumar, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Cr No.163 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 448, 294(b), 506(i), 427, 379 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.163 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to pathway dispute, on 03.09.2022, the accused persons quarreled with the defacto complainant, abused and assaulted her with deadly weapons and also

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threatened her with dire consequences. They also caused damage to the fencing stones and snatched one cell phone, worth about Rs.25,000/-. Hence, the complaint.

3. On the side of the petitioners, it is stated that the petitioners are innocent and they had not committed any such offence, as alleged by the prosecution. They are no way connected with the offence. Due to pathway dispute, a false case was foisted against the petitioners. In this regard, RDO proceedings is also pending. Hence, prays to release them on anticipatory bail.

4. On the side of intervener, it is stated that due to pathway dispute, the accused persons used to damage the fencing stones and threatened her with dire consequences. When she questioned the same, they assaulted her with deadly weapons. The petitioners are having previous cases to their credit. The cell phone was not yet recovered from the accused persons and hence, prayed to dismiss the petition.

5. On the side of prosecution, it is stated that due to pathway dispute, the accused persons went to the house of the defacto complainant, damaged the fencing stones and snatched one cell phone, worth about Rs.25,000/-. In this case, investigation is not completed and hence, prayed to dismiss the petition.

6. Considering the facts and circumstances of the case, submissions made by both parties and the strong objection raised by the prosecution and considering the overt act attributed against the petitioners and also the gravity of the offence, nascent stage of investigation, this Court is not inclined to grant anticipatory bail to them.

7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

29/09/2022

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/10/2022

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

TO

- 1 THE INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.16333 of 2022

Date :29/09/2022

PNM

MK/SVR/SAR. /07.10.2022/2P/3C

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