



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.09.2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17124 of 2022

1.Tamilselvi

2.Palanisamy

3.Soundarya

... Petitioners/Accused Nos. 1 to 3

Vs

State Rep.by

The Inspector of Police,
Edayakottai Police Station,
Dindigul District.

Crime NO.64 of 2022

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.64 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506(i) IPC, in Crime No.64 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there is a land dispute pending between the parties, on 19.09.2022 at about 05.00 p.m., the petitioners trespassed into the disputed property and attacked the de-facto complainant with fuse carrier and stick and also threatened him with dire consequences. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners and the de-facto complainant are family members and there was a land dispute between them, the first petitioner filed a suit in O.S.No.89 of 2022 before the learned District Munsif Court, Oddanchatram and the same is still pending. He would further submit that the counter case in Crime No.65 of 2022 is pending against the de-facto complainant. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that due to land dispute, the petitioners attacked the defacto complainant with fuse carrier and stick and caused injuries. He would further submit that no pervious case is pending against the petitioners and it is a case in counter case and the investigation in this case is still pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case in counter case and there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Oddanchatram, on condition that the petitioners 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:

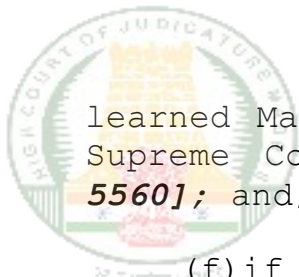
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/09/2022

/ TRUE COPY /

/10/2022

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

SJI

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

+1. CC to M/S.VENKATESH D Advocate SR.No. 47334 (F)

ORDER

IN

CRL OP(MD) No.17124 of 2022

Date : 26/09/2022

PKP/VR/SAR /07.10.2022/3P/6C