



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19773 of 2021

A.R.Lakshmanan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Devakottai Town Police Station,
Devakottai, Sivagangai District
(Crime No.539/2021)

... Respondent/Complainant

For Petitioner : Mr.S.Muthukumar,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

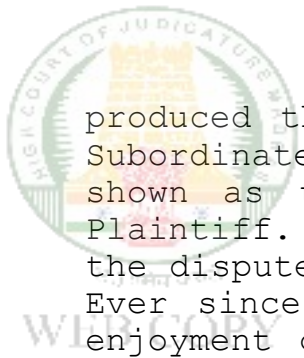
PRAYER :-For Anticipatory Bail in Crime No.539 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 506(i)IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002, in Crime No.539 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was land dispute between the parties, the accused had criminally trespassed into the *defacto* complainant's house and demanded money. Due to that trouble arose between them and the accused abused the *defacto* complainant & his family members and assaulted them. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there was civil dispute between two parties, involving money transaction and civil suit is also pending before the Subordinate Court, Devakottai and for the purpose of producing the copy of plaint, the matter is posted today (ie., 05.01.2022) and also he



produced the copy of plaint in O.S.No.78 of 2016, on the file of Subordinate Court, Devakottai, in which, the *defacto* complainant was shown as the fourth defendant and this petitioner shown as the Plaintiff. He would further submit that the petitioner had purchased the disputed property on 11.07.2010, through unregistered sale deed. Ever since from the date of purchase, they are in possession and enjoyment of the same and the suit in O.S.No.78 of 2016 was filed for the relief of permanent injunction. In respect of same issue, case in Crime No.480 of 2021, was registered under Section 447 IPC, against this petitioner, based on the complaint by the *defacto* complainant, stating that the petitioner had criminally trespassed into his property. Subsequent to the same, the above said occurrence taken place. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there was civil dispute between the parties, that the injured was discharged from the hospital and that the petitioner is having one previous case under Section 447 IPC, against the complaint given by the *defacto* complainant.

5.Considering the nature of charges levelled against the petitioner, that except the case for the offence under Section 447 IPC, no other case is pending against the petitioner, which is also related to this case and that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Devakottai and on his executing 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 am for a period of 30 days, thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
05/01/2022

/ TRUE COPY /

/ /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,
DEVAKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.S.MUTHUKUMAR, Advocate (SR-88[I] dated 06/01/2022)

ORDER
IN
CRL OP(MD) No.19773 of 2021
Date : 05/01/2022

PNM
MK/VR/SAR.III/11.01.2022/3P/6C