



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

Date : 07/11/2022

PRESENT

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

CRL OP(MD). No.19267 of 2022

Balaji,

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
Cr.No.57/22.

... Respondent/Complainant

B.Nathiya

...Petitioner/Intervenor
in CRL MP(MD)No.13221 of 2022

For Petitioner : Mr.K.Pandiyarajan, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Intervenor : Mr.G.Vidhya Maheswaran, Advocate.
in CRL MP(MD)No.13221 of 2022

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

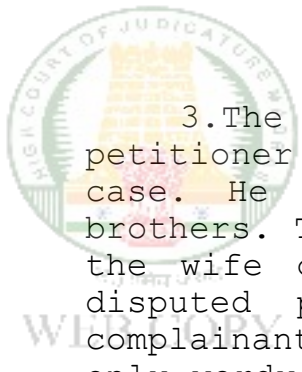
PRAYER :-

For Anticipatory Bail in Crime No.57/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427 and 506(I) of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, in Cr.No.57 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to the land dispute between the accused and the defacto complainant, the accused persons said to have trespassed into the property of the defacto complainant and picked up the coconuts from there. When the same was questioned by the defacto complainant, the accused persons said to have abused the defacto complainant in filthy language and also threatened her with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner and A1 are brothers. They have another two brothers. The defacto complainant is the wife of one brother. Her husband is working in abroad. The disputed property is a undivided property. But, the defacto complainant has claimed that property is belong to her. There was only wordy altercation and no one has sustained injury in the above said occurrence. No previous case is pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the Intervenor would submit that the accused persons caused damage to the windows of the house. Already the petitioner is having 1 previous case in similar nature. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate(Crl.Side) would submit that at the instigation of A1, the petitioner trespassed into the property and abused the defacto complainant. The petitioner is having 1 previous case and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the facts that it is a land dispute between the family members and no one has sustained injury in the above said occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Singapureri, Sivagangai District, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner 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 petitioner shall report before the **Ponnamaravathi Police Station, Pudukottai District, daily at 10.30 am until further orders.**

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



(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/11/2022

/ TRUE COPY /

/11/2022

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

DSS

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
SINGAMPUNERI, SIVAGANGAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
S.S.KOTTAI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE
PONNAMARAVATHI POLICE STATION,
PUDUKKOTTAI DISTRICT.

+1 CC to M/s.G.KANNAN, Advocate (SR-12524[I] dated 07/11/2022)

ORDER

IN

CRL OP(MD) No.19267 of 2022

Date : 07/11/2022

PKP/SSS/SAR-4/18.11.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>