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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21622 of 2022

1. Chittu Achi
2. K.Annamalai
3. L.Nagarajan

... Petitioners/Accused 6 to 8

Vs

State rep.by
The Inspector of Police,
Bodinayakkanur Taluk Police Station,
Bodinayakannur,
Theni District.
(Crime No.339 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Kannan M, Advocate.

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

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

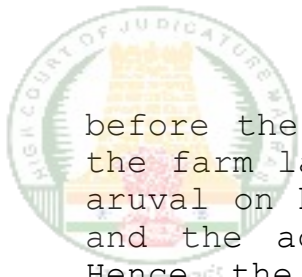
PRAYER :-

For Anticipatory Bail in Crime No.339 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A6 to A8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 447, 429, 294(b), 323, 109 and 506(ii) IPC in Crime No.339 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Arasurani, is that there was a civil dispute pending between her and the accused. While so, two civil suits are pending in O.S.No.424 of 2015 before the District Munsif Court, Theni and O.S.No.73 of 2021



before the District Munsif Court Bodi, the accused trespassed into the farm land and abused her in filthy language and also thrown the aruval on her pet dog, resulting in the pet dog sustaining injuries and the accused had also threatened her with dire consequences. Hence, the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners are innocents and there was a previous enmity between the petitioners and the de-facto complainant on account of civil dispute. He would further submit that the petitioners have succeeded in the civil suits and only wreck vengeance, a false complaint has been given. Hence, they seek anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that due to enmity on account of civil suits, the petitioners have trespassed into the property of the de-facto complainant and threatened her and also attacked the pet dog of the de-facto complainant resulting in the pet dog sustaining injuries. Hence, he opposed for grant of anticipatory bail.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Bodinayakanur, on condition that the petitioners shall execute 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 condition that:

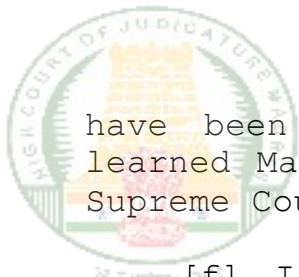
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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



have been imposed and the petitioners 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
07/12/2022

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/12/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
BODINAYAKKANUR TALUK POLICE STATION,
BODINAYAKANNUR, THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.KANNAN M Advocate SR.No.14497

ORDER
IN
CRL OP(MD) No.21622 of 2022
Date :07/12/2022

SP/VR/SAR I/14/12/2022/3P/6C