



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/01/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.581 of 2023

1.Seiyanambu Beevi @Jainu
2.Samsupathu
3.Asanammal

... Petitioners/Accused 1 to 3

Vs.

The State rep.BY
The Inspector of Police,
Pandhalkudi Police Station,
Virudhunagar District
(In Crime No.4 of 2023)

... Respondent/Complainant

For Petitioners : Mr.C.M.Arumugam, Advocate

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.Side)

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

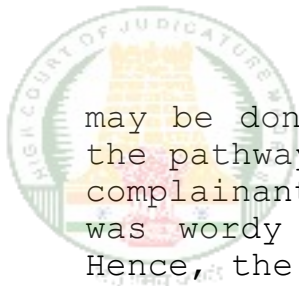
PRAYER :-

For Anticipatory Bail in Crime No.4 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 355, 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.04 of 2023 on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she has already informed the fourth accused that only after surveying the land in the presence of Surveyor, fencing



may be done, but before surveying the land, the fourth accused is digging the pathway for putting fencing upon the land belongs to the defacto complainant. Subsequent thereof, on 28.12.2022 at about 5 p.m, there was wordy altercation between them and small scuffle also arose. Hence, the complaint.

WEB COPY

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. It is his further submission that the defacto complainant, without knowing the fact that on 04.12.2022 the panjayat union workers dig the common pathway to insert the pipeline, has entered into quarrel with the fourth accused since he happens to be the relative of the petitioners.

4. He would further submit that initially the second petitioner has lodged a complaint and as a counter blast, the present complaint has been lodged with false accusations. Hence, prays to release the petitioners on anticipatory bail.

5. The learned Government Advocate (Crl.Side) submitted that due to pathway dispute, the accused have entered into a quarrel with the defacto complainant's parties. They have abused with filthy language and attacked them. Hence, prays to dismiss the petition.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, this Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of 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, Aruppukottai, Virudhunagar District**, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Station everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;



[c] the petitioners shall not tamper with the 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]**; and;

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

sd/-

10/01/2023

/ TRUE COPY /

/01/2023

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

CM

TO

1 THE JUDICIAL MAGISTRATE,
VIRUDHUNAGAR.

2 -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
PANDHALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ARUMUGAM.C.M. Advocate SR.No.

ORDER

IN

CRL OP(MD) No.581 of 2023

Date :10/01/2023

VA/MMS/SAR-IV/20.01.2023/3P/6C

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