



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

Date : 03/03/2023

PRESENT

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

CRL OP(MD) . No.2391 of 2023

WEB COPY

R.Vallikannan

... Petitioner/Accused No.1
Vs

The State Rep.by
The Inspector of Police,
Moolakaraipatti Police Station,
Tirunelveli District
(Crime No.177 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ananth C.Rajesh

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

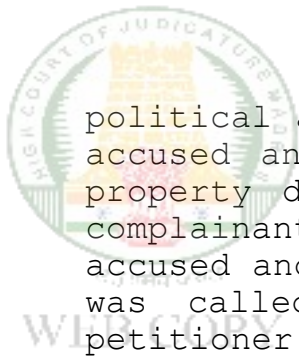
For Anticipatory Bail in Crime No.177 of 2022 on the file of the respondent police

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 147, 323 and 379 of I.P.C., in Crime No.177 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the defacto complainant Ganesan Nadar, is that on account of a property dispute between the defacto complainant family and the accused family, that on 20.12.2022 at about 03.20 a.m., the first accused had trespassed into the house of the defacto complainant and dragged him out and assaulted him and the other accused have also assaulted the defacto complainant and his relatives and also caused damage to the shed and threw the chilli powder on the face of the defacto complainant and also taken away 2 ½ sovereigns of chain with 1/2 sovereigns of dollar from the daughter in law of the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false case has been foisted against him. This is the second petition for anticipatory bail. The earlier petition was dismissed on the ground that the petitioner has got three previous cases. The petitioner is the President of the



political activities. As far as this case is concerned, the accused and the defacto complainant are siblings and there was a property dispute between them. On earlier occasion, the defacto complainant along with his family members assaulted the second accused and his family members. During such quarrel, the petitioner was called upon for a compromise talk, other than that, the petitioner has not committed any offence, whereas, a false complaint has been foisted against him, as if, the petitioner and other accused persons have assaulted the defacto complainant and his family members. The accused persons, who have direct enmity with the defacto complainant have already been granted anticipatory bail by this Court. The petitioner has also filed an undertaking affidavit before this Court that he will not interfere in any unwanted dispute. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner is the Village President and he had interfered into the property dispute between the defacto complainant and the second accused. The petitioner has also assaulted the defacto complainant. Hence, prays to dismiss the petition. However, the injured has been discharged from the hospital and the co-accused have already been enlarged on anticipatory bail.

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

6.Taking into consideration the facts and circumstances of the case, considering the fact that this is the second petition for anticipatory bail, that the co-accused have already been enlarged on anticipatory bail and also the undertaking filed by the petitioner that he will not interfere in any other unwanted dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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, Nanguneri**, 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 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 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 respondent



police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/03/2023

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/ 03 /2023

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

PNM

TO

1. The Judicial Magistrate, Nanguneri.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Moolakaraipatti Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-3384[I] dated 03/03/2023)

ORDER

IN

CRL OP(MD) No.2391 of 2023

Date :03/03/2023

RD/AR/SAR-III (13/03/2023) 3P 6C