



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.2787 of 2023

WEB COPY

1.Ramar @ Sethuran
2.Rajendran
3.Kottaiyammal
4.Malaiselvam
5.Sivakumar
6.Susikumar
7.Modali @ Muthulingam
8.Gopi @ Gopikannan
9.Rajaram
10.Muniappan
11.Thirunavukkarasu ...Petitioners/A1, A4 to A9, A11, A12,A15,A16

-vs-

The State represented by
The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
(Cr.No.9 of 2023)

...Respondent/Complainant

Katturaja

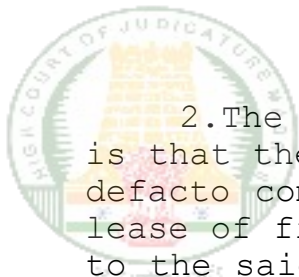
... Petitioner/Intervenor/Victim
in CRL MP(MD) No.2624 of 2023

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.09 of 2023 on the file of the respondent Police.

For Petitioners : Mr.A.S.Vaigunth
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)
For Intervenor : Mr.K.Ramar

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 323, 324, 506(i), 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.9 of 2023 on the file of the respondent Police, seek anticipatory bail.



2.The case of the prosecution as per the de-facto complaint it is that there was previous enmity between the second accused and the defacto complainant's brother one Katturaja with regard to take the lease of fishing rights in the Kanmoi situated in their village. Due to the said motive, on 13.01.2023 at about 06.00 p.m, A1, A2 and A4 have attacked the said Katturaja by knife. While the defacto complainant tried to restrain them, the second accused pushed down her and attacked her with iron rod. Subsequently, the petitioners 1, 2 and 6 dragged her by holding her hair and the other petitioners assaulted her by hands and threatened her with dire consequence, Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given against them. He would also submit that the fact remains is that the defacto complainant is the sister of one Katturaja against whom there are several cases pending and he behaved in the village in a high handed manner and he prevented the poor people from taking fishery auction and he is aggressor and he has also foisted several false cases against the petitioners and their family members including students, who are also studying in College. He would also submit that injured has been discharged from the hospital and the petitioners are ready to abide by any stringent condition that may be imposed by this Court on them. He would add that on the complaint given by the petitioner's side a case in Crime NO.10 of 2023 has been registered against the defacto complainant's party. He would seek for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that on account of enmity with regard to taking fishery rights the accused have assaulted the brother of the defacto complainant one Katturaja and he was admitted in the hospital for 15 days and he opposes to grant anticipatory bail.

5. The learned counsel for the intervenor would submit that the the petitioners have abused the defacto complainant and attacked her brother due to which he sustained injuries and he was admitted in the hospital. He would strongly object for grant of anticipatory bail to the petitioners.

6. Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case and that there are several complaints pending against each party and that it is a case of case and counter case, 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, Additional Mahila Court, Virudhunagar District, 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 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 4 to 10 shall stay at Madurai and report before the Othakadai Police Station at 10.30 a.m until further orders . It is made clear that the petitioners 4 to 10 shall not enter into the jurisdictional limit of the respondent police until further orders. The other petitioners shall report before the respondent police everyday at 6.30 p.m for a period of three weeks, thereafter every Saturday at 6.30 p.m until further orders.

[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/-

13/02/2023

/ TRUE COPY /

/02/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
KRISHNANKOVIL POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL.O.P(MD)



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COPY TO:

THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION, MADURAI.

WEB COPY

+1 CC to M/s.A.S.VAIGUNTH, Advocate (SR-2380[I] dated 15/02/2023)

ORDER

IN

CRL OP(MD) No.2787 of 2023

Date :13/02/2023

SS/VR/SAR III(20.02.2023) 4P 7C