



WEB COPY

CRL OP(MD).



23

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

Date : 01/03/2023

PRESENT

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

CRL OP(MD) . No.3344 of 2023

1. Suyambu
 2. Stalin
 3. Wilson
 4. Selvakumar
 5. Subramaniyan
 6. Iyyappan
- ... Petitioners/Accused No.1 to 6

Vs

The State Rep.by
Sub Inspector of Police,
Pazhavor Police Station,
Tirunelveli.

Crime No. 28/2023. ... Respondent/Complainant

For Petitioner : Mr.Jameel Arasu
for Mr.S. Vinayak,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.28 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (B), 502, 503 and 506(i) of I.P.C. r/w Section 4 of TNPWH Act, in Crime No. 28 of 2023 on the file of the respondent police, seek anticipatory bail.

<https://www.mca.gov.in>



2.The case of the prosecution, as per the de-facto complainant, is that the petitioners, who belong to Chithamparapuram Village, were having dispute with her and that they were spreading stories spoiling her character and that on 13.02.2023, while she along with her husband was going, A2 Stalin had abused and also criminally intimidated her. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would further submit that there was a dispute in the area with regard to the bifurcation of village and several litigations are pending between the parties and only to wreck vengeance, a false complaint has been given against the petitioners.

4.The learned Government Advocate (Crl. side) would submit that the petitioners have spread rumours about the character of the de-facto complainant and on 13.02.2023, the accused have also abused her and criminally intimidated her. He would further submit that all the accused are having previous cases and hence, he would object for grant of anticipatory bail.

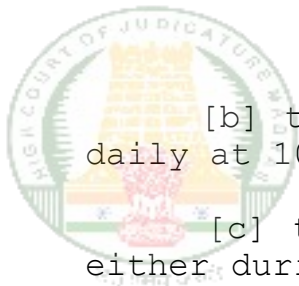
5.In reply, the learned counsel for the petitioners would submit that all the cases are registered on account of the rivalry between two groups and most of the cases have been disposed of. Hence, he would seek for anticipatory bail.

6.Heard. Perused the materials available on record including the First Information Report.

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

8.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, Valliyoor, Tirunelveli 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, daily at 10.30 a.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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/03/2023

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/03/2023

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

SJI

TO

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

+1 CC to M/s.S.VINAYAK, Advocate (SR-3364[I] dated 03/03/2023)
+1 CC to M/s.S.VINAYAK, Advocate (SR-3167[I] dated 02/03/2023)

ORDER

IN

CRL OP(MD) No.3344 of 2023

Date :01/03/2023