



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/04/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6657 of 2023

1.P.Saravanan,

2.P.Kalaivanan,

3.Sumathi,

4.M.Nandhini,

5.M.Kumar,

6.Santhiya,

... Petitioners/Accused Nos.1 to 6

Vs

The State rep.by
The Inspector of Police,
B1, Melur Police Station,
Madurai District.
(Crime No.199/2023).

... Respondent/Complainant

For Petitioners : R.Anand,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime no.199/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 506(ii) of I.P.C., in Crime No.199 of 2023 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that on 02.04.2013, the defacto complainant was present at the scene of occurrence, the petitioners said to have pushed him down and beaten him to the core and the second accused said to have assaulted the defacto complainant, thereby causing injury to his right leg. Hence, the complaint.

3. The learned counsel for the petitioners would submit that due to previous enmity between the petitioners' family and the defacto complainant's family, as the defacto complainant had encroached the public pathway and as the petitioners owned land adjacent to the same, the first petitioner approached this Court and obtained an order in his favour to survey and demarcate his boundary since then the defacto complainant's family had kept on disturbing the petitioners. When the petitioners' family kept on indulging in cleaning their property, the defacto complainant attacked the second petitioner, and he has given a complaint and the same has been registered in Crime No.198 of 2023 for the offences under Sections 147, 148, 294(b), 323, 355 and 506(ii) of I.P.C. In order to get over the case which has been registered as against the defacto complainant, he has lodged the present complaint.

4. The learned Government Advocate (Cri.Side) appearing for the respondent would submit that due to previous enmity, the defacto complainant had lodged the complaint it is a case and case in counter case.

5. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and also the fact that it is a case and case in counter case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

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, Melur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with **common two sureties** 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 1, 2 and 5 shall report before the respondent Police, daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation and the petitioners 3, 4 and 6 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/-

10/04/2023

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

PS

TO

1 THE JUDICIAL MAGISTRATE, MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
B1, MELUR POLICE STATION, MADURAI DISTRICT.

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

+2 cc to Mr.R.ANAND, Advocate, SR.No.5712

ORDER

IN

CRL OP(MD) No.6657 of 2023

Date :10/04/2023

SA/CG/SAR.4/12.04.2023/3P/7C