



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/05/2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8467 of 2023

1. Vanitha,
2. Ravi,
3. Hari Baskar,

... Petitioners/Accused 1 to 3

Vs

The State rep.by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
Cr.No.530/2023.

... Respondent/Complainant

Karuppaiah

... Petitioner/Intervener
In Crl.MP(MD) .7391/2023
in Crl.OP(MD) .8467/2023

For Petitioner : M/s.S.Murugapandi,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

For Intervenor : Mr.SP.Vijay Nivas

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

PRAYER :- For Anticipatory Bail in Crime No.530/2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 452, 355, 323 and 506(ii) of I.P.C., in Crime No.530 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a tenant of the elder sister of the first accused. On 21.04.2023, due to property dispute between the elder sister of the first accused and A1, A1 attacked the de-facto complainant with broom stick. At that time, the elder sister of A1, namely, Kannammal, Rajalakshmi, Selvi have pacified the de-facto complainant and the de-facto complainant went to the police station. When the de-facto complainant went to the police station, A2 and A3 had attacked the de-facto complainant and threatened him with dire consequences. Hence, the case.



3. On the side of the petitioners, it is stated that the petitioners are innocents and they have been falsely implicated in this case and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that due to property dispute between A1 and the elder sister of A1, the alleged incident had happened and four persons were examined in this case and the statements were recorded under Section 161 of Cr.P.C.

5. On the side of the intervenor, it is stated that due to enmity between the petitioners and the de-facto complainant's house owner, the petitioners continuously torturing the de-facto complainant and his house owner in order to grab the property. Further, the first petitioner attacked the de-facto complainant with broom stick in front of the public and she is also active in social media and she displayed the same and she had released a video clip threatening the de-facto complainant and his house owner. Hence, he vehemently opposed to grant anticipatory bail to A1 and submit that there is no objection to allow this petition in respect of A2 and A3.

6. Considering the submissions made by the learned counsel on either side and on considering the property dispute between the parties and also considering the nature of allegations levelled against the petitioners 2 and 3, this court is inclined to grant anticipatory bail to the petitioners 2 and 3, with certain conditions:

7. Accordingly, the petitioners 2 and 3 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 was made ready, before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioners 2 and 3 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 2 and 3 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 2 and 3 shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners 2 and 3 shall not tamper with evidence or interfere with the investigation or trial.



[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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.

8.Considering the seriousness and gravity of the offence levelled against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petitions is dismissed as against the first petitioner is concerned.

sd/-
04/05/2023

/ TRUE COPY /

/06/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.V, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI CITY.

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

+1. CC to M/S. S.MURUGAPANDI Advocate SR.No.7227

**ORDER
IN**

CRL OP(MD) No.8467 of 2023
Date :04/05/2023

SA/VR/SAR.3/09.05.2023/3P/6C