



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8582 of 2023

1.Lakshmi

(*)2.Ayyammal @ Aayippillai

3.Pandiselvam

... Petitioners/1st, 3rd and 4th Accused

Vs.

State rep. By

The Inspector of Police,
Singampunari Police Station,
Sivagangai District.

Crime No.66 of 2023

... Respondent/Complainant

For Petitioners : Mr.P.Ganesh Kumar, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side)

For Intervenor : Mr.K.Suyambulinga Bharathi, Advocate

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

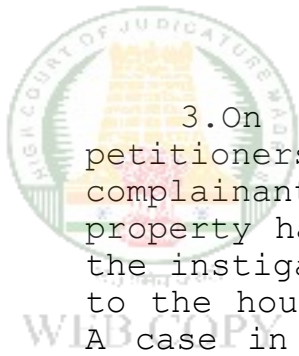
PRAYER :-

For Anticipatory Bail in Crime No.66 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 109, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.66 of 2023, seek anticipatory bail.

2.The case against the petitioners is that the defacto complainant is an advocate and his mother was staying alone at his village. On 17.04.2023, at about 02.00 p.m., the petitioners trespassed into the land of the defacto complainant and they pastured the cattle. When the same was questioned by the defacto complainant's mother, the petitioners assaulted her and caused injury.



3. On the side of the petitioners, it is stated that the petitioners and the defacto complainant are relatives. The defacto complainant and his mother in order to grab the petitioners' property has lodged a false complaint. On the date of occurrence on the instigation of the defacto complainant, some rowdy elements came to the house of the petitioners and they assaulted the petitioners. A case in Crime No.65 of 2023 was registered against the defacto complainant's mother. Only as a counter blast, a false case was foisted by the defacto complainant who was an advocate and prayed the petitioners to be released on anticipatory bail.

4. On the side of the intervenor, it is stated that the defacto complainant is a 60 years old woman. She was brutally attacked by the petitioners. Earlier, twice there was such attacks made on the old lady. This is the third time and the petitioners were attacking the mother of the defacto complainant. The occurrence took place on 15.04.2023. The victim was admitted in the hospital on that date. But the complaint was registered only on 17.04.2023. The victim is still in the hospital. The mother of the defacto complainant was 'in patient' for a period of seven days in the Government hospital, Madurai and she was taking treatment in a private hospital for the past 17 days. A widowed lady was attacked by the petitioners. A false case was registered against the victim.

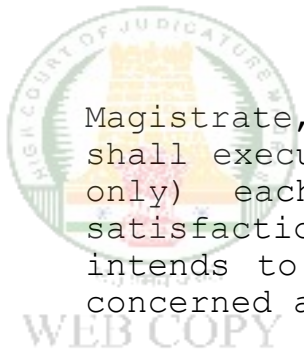
5. On the side of the intervenor, it is stated that there was no injury to any of the petitioners. But a case was registered against the defacto complainant. The mother of the defacto complainant was a single lady whereas the petitioners are four in number.

6. On the side of the prosecution, it is stated that the mother of the defacto complainant was attacked by the petitioners. The victim was discharged from the hospital on 15.04.2023. A case in CSR No.198 of 2023 and FIR was registered on 17.04.2023 and prayed the petition to be dismissed.

7. On the side of the petitioners, it is stated that the defacto complainant's mother is the accused in counter case in Crime No.65 of 2023. The defacto complainant is an advocate and he influenced the police and A2 is 72 years old and A3 is minor.

8. Considering the specific overt act against the petitioners 1 and 3, considering the nature of the offence and considering the injury sustained by the defacto complainant, this petition is dismissed as against the petitioners 1 and 3.

9. Considering the age of the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, this petition is allowed and the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial



Magistrate, Singampunari, on condition that the second petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the second 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 second petitioner shall report before the respondent police daily once at 10.30 a.m., until further orders;

(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/05/2023

**(*) For Being Mentioned as per
Order of this Court dated
05/06/2023 in Crl.OP(MD).
8582/2023**

**Further time for surrendering is
extended for a period of one week
from the date of receipt of copy
of this order.**

/ TRUE COPY /

05/06/2023

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

Mrn

TO

**TO BE SUBSTITUED WITH THE ORDER DATED 05/05/2023 ALREADY DESPATCHED
1 THE JUDICIAL MAGISTRATE, SINGAMPUNARI.**

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.



3 THE INSPECTOR OF POLICE,
SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.8582 of 2023

Date :05/05/2023

RS/VR/SAR-3(10.05.2023) 4P 5C

LS

SA/VR/SAR. /05.06.2023/4P/5C