



CRL OP(MD) No.11743 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 13/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.11743 of 2023

1.P.Samuthiram
2.S.Raja
3.Periyasamy
4.Kamalam @ Kamala
5.Anitha
6.Mahalakshmi
7.Muthu @ Muthulakshmi

: Petitioners/ A1 to A7

Vs.

The State Rep. by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No.294 of 2023)

: Respondent/Complainant

For Petitioners : Mr.R.Anand , Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)

For Intervenor : Mr.S.P.Veerapandi, Advocate

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

PRAYER:- For Anticipatory Bail in Crime No.294 of 2023 on the file of the
Respondent Police.



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ORDER: The Court made the following order:-

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The petitioners/ A1 to A7, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147, 341, 294(b), 323, 324 and 506(ii) IPC, in Crime No.294 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was previous enmity with regard to discharge of the sewage water. In pursuance of that, on 18/06/2023, the accused persons picked up quarrel with the de-facto complainant and his uncle, assaulted with wooden logs, thereby caused injuries to them.

3.Heard both sides.

4.Finding that it is an issue between the neighbours and that too, the de-facto complainant in this matter is a practising Advocate before the Tirunelveli Court, this court suggested the parties to work out the possibility of settlement. When the above said suggestion was made by this court, the learned counsel appearing for the petitioners readily agreeable for the proposal. On that account, the de-facto complainant was ordered to be present before this court in person. He was also present on the date of hearing and the accused, who are the petitioners also present.



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But the de-facto complainant vehemently opposed the proposal for settlement stating that because of the trouble, that was created by the petitioners, he happened to shift his residence to some other place. On the date of the occurrence, he visited the place on the eve of some function, at that time, they picked up quarrel and caused assault, causing injury to more than one persons. So, according to him, it is a clear pre-planned attack. Because of the trouble made by the petitioners, he is not in a position to live in that house. So, he is not ready for any compromise.

5.Per contra, the learned counsel appearing for the petitioners would submit that on the date of the alleged occurrence, the de-facto complainant and others caused severe damage to the banana trees and some articles. They were also severally injured and admitted in the hospital, but the police without noticing the severity of the injuries suffered by the petitioners, registered a case on the ground that they caused injury. It is further submitted that the de-facto complainant by influencing his position as practising Advocate, caused passing of resolution by the Tirunelveli Bar Association, inviting Statewide agitation.

6.This court need not go into the above said aspect of passing the resolution. But however, considering the fact that both sides engaged in causing assault against each other and in the counter complaint, the de-facto complainant's party are



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enjoying the anticipatory bail by virtue of the order passed by the Principal District Judge, Tirunelveli, in Cr.MP Nos.8502 and 9723 of 2023, I am of the considered view that the petitioners are also entitled for anticipatory bail.

7.In view of the above fact, 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 before the learned Judicial Magistrate No.I, Thoothukudi and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

sd/-
13/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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- 1.THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3.THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to ANAND R. Advocate SR.No.10744

ORDER
IN
CRL OP(MD) No.11743 of 2023
Date :13/07/2023

RK/DD (21/07/2023) 5P /6 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023