



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

Date : 06/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12208 of 2023

1. Palanivel @ Ponnaiah

2. Ramasamy

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
Crime No.163/2023..

... Respondent/Complainant

For Petitioners : M/s.Paranjothi.R, Advocate

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

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

PRAYER :-

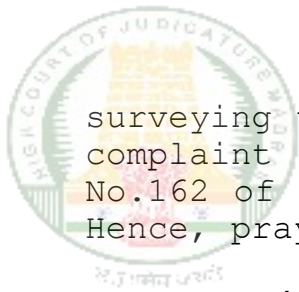
For Anticipatory Bail in Crime No.163/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(ii) of I.P.C, in Crime No.163 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 28.06.2023, the petitioners, who are the Revenue Officials had surveyed the defacto complainant's property and the defacto complainant had objected the same. Therefore, the first petitioner had slapped him on the cheek and also pushed down him. The accused persons took a wooden log and shown the same, intimidated the the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them to the objection made by the defacto complainant for



surveying the land. It is a case and case in counter. Based on the complaint given by the petitioners complainant a case in Crime No.162 of 2023 has been registered against the defacto complainant. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, the revenue officials/petitioners/accused persons had assaulted and threatened the defacto complainant. It is a case and a case in counter. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Reading of FIR in Cr.Nos.162 of 2023 and 163 of 2023, the subject matter of the present FIR shows that trouble arose between the parties, when the Revenue Officials tried to survey the property. On the basis of obstruction made by the defacto complainant, a case in Cr.No.162 of 2023 was registered based on the complaint given by the Surveyor Ms.Devi. Based on the complaint given by the defacto complainant, a case in Cr.No.163 of 2023 was registered against the petitioners, as if they caused trouble and assaulted.

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

8. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned **Judicial Magistrate, Illuppur, Pudukottai 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

06/07/2023

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/07/2023

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



1 THE JUDICIAL MAGISTRATE
ILLUPPUR, PUDUKOTTAI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
ANNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.R.PRANJOTHI, Advocate (SR-10300[I] dated 06/07/2023)

ORDER
IN
CRL OP(MD) No.12208 of 2023
Date :06/07/2023

PKP/MMS/SAR- /14.07.2023/ **3P/6C**