



Crl.OP(MD)No.12357 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 31/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.12357 of 2023

Duraisingam

... Petitioner/Sole Accused

Vs.

State represented by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

... Respondent/Complainant

Meenakshi

... Petitioner/Intervener
Wife of De-facto Complainant
in Crl.MP(MD).9994/2023

For Petitioner : Mr.T.Veerakumar, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervenor : Mr.D.Balamurugapandi, Advocate

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

PRAYER:- For Anticipatory Bail in Crime No.229 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-



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The petitioner, who is arrayed as sole accused apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324 and 506(ii) IPC @ 294(b), 323, 324, 307 and 506(ii) IPC, in Crime No.229 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the de-facto complainant, as per the complaint is that there was property issue between the de-facto complainant and the accused. Because of the above said, there was no cordiality. On 03/07/2023 at about 09.00 am, the accused tried to put up a tin sheet. When the work was done, he made objection that rain water may fall on their portion. But the accused did not stop the work. So he climbed upon the upstairs portion and prevented the workers from doing the work. At that time, the accused, abused filthy language and pushed him down stating that he will kill him. In the above said process, he sustained injuries on the head and various parts of the body. He was also criminally intimidated. He was taken to the hospital, where the above said statement was recorded and later, the case was registered in Crime No.229 of 2023 for the offences stated above.

3.Seeking anticipatory bail, this petition came to be filed by the petitioner.

4.The intervenor also appeared.

5.From the argument heard on both sides, it is seen that it appears that trouble exists between the parties over the ancestral properties. Because of that, several cases



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have been registered and all the details are mentioned in the intervenor typed set of papers. From this, we can see that including this case, four other cases have been registered between the parties. Apart from that, it is also seen that as a counter blast, the petitioner has also given a complaint, over which a case in Crime No.230 of 2023 was registered.

6.During the pendency of the investigation, now, the offence is altered by including 307 IPC. The injured was in prolonged treatment. Even though, he is discharged from the hospital, He is continuing his treatment in the private hospital. So, the present health condition of the injured was required to be verified by the learned Additional Public Prosecutor through the respondent police. The respondent police also made enquiry and verified the present health condition. The official, who present before this court has submitted that in so far as this case is concerned, the de-facto complainant was in stable condition and recovery from the injuries. So far as the counter case is concerned, the learned counsel appearing for the petitioner would submit that the petitioner suffered fracture on the leg and still he not recovered.

7.From the perusal of the other records that have been filed in the form typed set, it appears that several lakhs of rupees has been spent by the de-facto complainant for treatment. Even this court made a suggestion to resolve the issue between the party, continuous trouble exists between them, for which, both parties are not



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accepting the proposal. So, the matter was heard on merit.

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8.The learned counsel appearing for the petitioner would rely upon the statement of the de-facto complainant in the FIR that even as per the allegation, only de-facto complainant was the aggressor. Since he put up the tin sheet, that was objected by the petitioner. In a sudden break of anger, the petitioner was assaulted and as a self-defence only, he pushed down the de-facto complainant. According to him, there was no intention to kill the de-facto complainant.

9.But from the perusal of the records, it is seen that both of them exchanging assaulting each other. Even though, the petitioner would submit that he is also spending several lakhs of rupees for his left fracture, but very serious injury has been inflicted upon the de-facto complainant.

10.In view of the case and counter case and suffering of injuries by both parties, this court is inclined to grant anticipatory bail to the petitioner on condition that he must pay Rs.2,00,000/- to the de-facto complainant towards medical expenses. The above said amount must be deposited within a period of 15 days from the date of receipt of a copy of this order. On such deposit being made, the de-facto complainant is permitted to withdraw the above said amount. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Ramanathapuram and on his executing a bond for



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a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further condition that the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of (*)Crime No.229 of 2023 towards the medical expenses of the injured within a period of 15 days from the date of receipt of a copy of this order and the de-facto complainant, who is the injured is permitted to withdraw the above said amount without prejudice the rights of both parties during the trial process and on further condition that petitioner shall appear before the respondent police daily at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

sd/-
31/07/2023

(*)For Being Mentioned as per Order of this Hon'ble Court dt.23/08/2023 in Crl.MP (MD).12171 of 2023 in Crl.OP(MD).12357 of 2023.

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER
TO

1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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3 THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.VEERAKUMAR.T Advocate SR.No.11555

+1. CC to M/S.D.BALAMURUGAPANDI, Advocate SR.No.11653

ORDER
IN
CRL OP(MD) No.12357 of 2023
Date :31/07/2023

SA/BUC/SAR. /08.08.2023/6P/7C
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SA/DD/SAR. /29.08.2023/6P/7C
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