



CRL OP(MD)No.15803 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31.08.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1.Mariappan

2.Muthumariappan

(*)3.Archunakumar

... Petitioners/ Accused Nos.1to3

Vs

The State rep.by,
The Inspector of Police,
Vembakkottai Police station,
Virudhunagar District.
(In Crime No.231 of 2023)

... Respondent/Complainant

For Petitioners : Mrs.S.Prabha, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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



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PRAYER :-
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For Anticipatory Bail in Crime No.231 of 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), 324 and 506(ii) IPC r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002 in Crime No.231of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons and the defacto complainant are neighbours. There is a land dispute pending between them. On 23.08.2023, when the defacto complainant's son parked his two wheeler in front of the petitioners' house, all the accused persons questioned about the same and entered into quarrel with him. The first petitioners herein and his son attacked the defacto complainant and his brother's daughter. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent persons and they have been falsely implicated in this case. In fact, the petitioners also preferred a complaint as against the defacto complainant and the



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same was registered as Cr.No.238 of 2023. Hence, he prayed for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that already there was land dispute between the parties and on the date of occurrence, when the defacto complainant's son parked his vehicle, a quarrel arose between the same. For which, the present case and the counter case were registered. He would further submit that the injured person has already been discharged from the hospital and the first and second petitioners are having five previous cases.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions on either side and considering the fact that the injured person has already been discharged from the hospital and that there is a counter case also pending as against the defacto complainant and also considering the fact that except 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002 other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



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7. Accordingly, the petitioners 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 made ready, before the learned Judicial Magistrate No.II, Sattur, Virudhunagar 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 on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the



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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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
31/08/2023

**(*)AMENDED AS PER ORDER OF THIS
COURT DATED 26.09.2023 IN CRLM P(MD)
NO.13675 OF 2023 IN CRL OP(MD)NO.15803
OF 2023**

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 31/08/2023 ALREADY
DESPATCHED**

1.THE JUDICIAL MAGISTRATE NO.II,
SATTUR,
VIRUDHUNAGAR DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.15803 of 2023

Date :31/08/2023

RK/JGB (08/09/2023) 6P / 5C

RK/DD(11.10.2023) 6P/5C

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