



CRL OP(MD) No.16451 of 2023

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

Tuesday, the Twelfth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.16451 of 2023

1 SEENISAMY

2 MUTHUKUMAR @ OOMAKATTU

3 VASANTHAKUMAR

4 SHABURDHIN

... PETITIONERS/6, 7 ACCUSED RANK NOT KNOWN

Vs

State Rep.by

THE INSPECTOR OF POLICE
KOOMAPATTI POLICE STATION,
VIRUTHUNAGAR DISTRICT.
(CRIME NO.100/2023)

... RESPONDENT

For Petitioners : M/S.THALAIMUTHARASU.G Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.100 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused persons apprehend arrest at the
hands of the respondent police for the offences punishable under sections 109, 147,

148, 153A, 294(b), 307, 506(ii) IPC and section 3 of TNPPDL Act, in Crime No.100 of

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



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2023 on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that on 03/08/2023 at about 06.30 pm, when he was standing near Kottamalai's house, the accused persons were standing in a nearby place. They caused criminal intimidation and abused the family members of the Kottamalai. The de-facto complainant along with his community people questioned the above said behaviour of the accused. They in-turn criminally intimidated the de-facto complainant and others. At about 10.30 pm, when they were sitting near Tamil Nadu Grama Bank, the accused persons, who belong to other community came to that place with deadly weapons and abused them in filthy language. And they also caused damage with stones. But however, the de-facto complainant escaped from that attack. When the neighbours and other community people, who belongs to the de-facto complainant gathered, the accused persons ran away from that place. On the basis of the complaint, a case in Crime No.100 of 2023 was registered for the offences under sections 109, 147, 148, 153(A), 294(b), 307, 506(ii) IPC r/w 3 of TNPPDL Act.

3.Seeking anticipatory bail, this petition has been filed by all the accused persons on the ground that enmity exists between two community people over fishing right; Because of the above said fishing right issue, continuous trouble exists between two community people, over which, several cases have also been registered



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against both community people. According to the petitioners, so far as this case is concerned, none was injured and because of the enmity only, the present FIR has been registered.

4.The learned Additional Public Prosecutor would submit that because of the fishing right issue, continuous cases have been registered. Totally, 4 cases have been registered namely Crime Nos.96, 98, 99 and 100 of 2023. The first FIR was registered in Crime No.96 of 2023. In that complaint, the complainant is one Kumar. He has stated that on 02/08/2023 at about 12.30 pm, he was doing fishing in the Kanmai area. At that time, the accused Anand, Periyakaruppan and others came there and asked the whereabouts of Kottamalai. He replied that he did not know his whereabouts. So, he was assaulted by one Veera Guru, who was also joined with other accused namely Anand and Periyakaruppan. The second FIR was registered in Crime No.98 of 2023. In that complaint, the complainant is Kottamalai. The accused is Ananth. Kottamalai has stated in his complaint that he has lodged a complaint regarding the attack of one Kumar. At about 06.00 pm, on the very same day, the accused came to his house, abused the family members in filthy language and also tried to attack him. In the FIR registered in Crime No.99 of 2023, the complainant is one Anantharaj and the accused are Lenin Kumar, Kottamalai and Kumar. In that complaint, he has stated that on 03/08/2023 at about 06.30 pm, he was going to visit



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his relatives, at that time, the accused persons came there, picked up quarrel and assaulted with deadly weapons. When his brother intervened, he was also attacked and however, escaped from the attack. Upon which, the above said FIR has been registered. Now the present FIR in Crime No.100 of 2023. As mentioned above, the de-facto complainant is Muthaiah and accused are Esakipandi and others.

5. Reading of the above said FIRs shows that as mentioned by the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor, complaint and counter complaint have been registered against each party. The co-accused persons have been granted anticipatory bail by this Court.

6. Considering the fact that it is a communal issue between the community people over the fishing right and in the above said occurrence, injury has not caused to any one and the co-accused persons also granted anticipatory bail by this Court, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, Srivilliputhur, on condition that each of them shall execute a bond for 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



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the petitioners shall appear before the respondent police daily at 10.30 am until, further orders. The petitioners shall comply with the condition stipulated, under Section 438 Cr.P.C. scrupulously.

8. 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/-
12/09/2023

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/09/2023

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

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TO

1 THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

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

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-13612[I] dated 13/09/2023)



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ORDER

IN

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Date :12/09/2023

RS/VRS/SAR-(20.09.2023) 6P 6C

Madurai Bench of Madras High Court is issuing
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