



CRL OP(MD). No.17533 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1.Kamalakannan

2.Muthumari

3.Sasikala

4.Jeyarathinam

... Petitioners/ Accused Nos.1 to 4

Vs

**State Represented by,
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.454 of 2023).**

... Respondent/ Complainant

For petitioners : Mr.M.Maria Vinola, Advocate.

**For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)**

For Intervenor : Mr.R.Gowrishankar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.454 of 2023 on the file of the Respondent Police.

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



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ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 4 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 355 and 506(ii) IPC in Crime No.454 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours and already pathway dispute exists between them. In that circumstances, on 16.09.2023 at about 2.15 p.m., while the defacto complainant was cleaning the litter of almond leaves, the accused scolded the defacto complainant in filthy language, attacked him using iron rod, stick and broom stick and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent. He would further submit that the petitioners and the defacto complainant are neighbours. There was dispute in respect of cleaning the almond leaves fallen down and quarreled between them. Due to previous motive, the false complaint has been given against the petitioners. The counter case has been registered against the defacto complainant in Crime No.455 of 2023.

4. The learned Government Advocate (Crl.Side) would submit that the injured



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has been discharged from the hospital and there is a case and case in counter.

Investigation is still pending, thereby strongly objected to grant anticipatory bail.

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

6. Mr.R.Gowri Shankar, learned counsel, representing that he is going to file an application on behalf of the defacto complainant. Since, no application is filed on behalf of the defacto complainant today, his representation is rejected.

7. Considering the rival submissions made on either side and considering that injured is discharged from the hospital, it is a case and counter case, the counter case has been registered in Crime No.455 of 2023 and except 506(ii) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

8. 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, Kovilpatti, 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 10.00 am.,

for the period of 30 days and thereafter, as and when required for interrogation.



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[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 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/-
29/09/2023

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

INDU
TO

1 THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

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



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3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.M.MARIA VINOLA, Advocate (SR-14402[I] dated 29/09/2023)

ORDER
IN
CRL OP(MD) No.17533 of 2023
Date :29/09/2023

PKP/DD/SAR- /06.10.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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