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CRL OP(MD). No.17840 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.17840 of 2023

1. Ramar,

2. Karuppaiah,

3. Pandi @ Karuthapandi,

4. Jayaraj,

... Petitioners/ Accused 1 to 4

Vs

The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.211/2023.

... Respondent/Complainant

For Petitioners : M/s.MUNEESWARAN.B, Advocate.

For Respondent : Mr.R.SURESH KUMAR, Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.211/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 324, 506(2) and 435 IPC r/w. Section 4 of TNPHW Act in Crime No.211 of 2023, on the file of the respondent police, seek anticipatory bail.



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2.The case of the prosecution is that due to land dispute, the petitioners herein have assaulted the defacto complainant and also abused him in filthy language. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there was a land dispute between the parties and the the injured was discharged from the hospital. He would further submit that it is a case of case and counter and the investigation of the case is pending.

5. On perusal of the FIR, it is noticed that there was a land dispute between the parties and that they have assaulted the defacto complainant and also abused him in filthy language. Further, the injured was discharged from the hospital.

6.Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260, this Court is of the considered view that the alleged offence against the petitioners are not a case of heinous crime. Further, the petitioners are having



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permanent resident at Thiruchuli Taluk, Virudhunagar District and the origin of the crime is land dispute. In this circumstances, the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused have their roots in the community and is not likely to abscond, they can safely be released on his own bond.

7. In view of the above, I am inclined to grant anticipatory bail to the petitioners. 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, Thiruchuli, Virudhunagar District on condition that the petitioners shall execute own bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a] the petitioners shall report before the trial Court as and when required for the purpose of 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/-
11/10/2023

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

TRP
TO
1 THE JUDICIAL MAGISTRATE COURT,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.

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

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

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



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

+1 CC to M/s.B.MUNEESWARAN, Advocate (SR-15182[I] dated 13/10/2023)

ORDER
IN
CRL OP(MD) No.17840 of 2023
Date :11/10/2023

SA/VRS/SAR. /25.10.2023/5P/6C

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