



CRL OP(MD). No.18201 of 2023

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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.18201 of 2023

1. Karthika

2. Moorthy

3. Magudeeswari

... Petitioners/ Accused Nos.1,3 & 5

Vs

The Inspector of Police,
Palani Town Police Station,
Dindigul District.
Crime No. 296 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Ramasamy T,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 296 of 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



CRL OP(MD). No.18201 of 2023

respondent police for the offences punishable under sections 147, 148, 448, 323, 506

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(ii) IPC r/w. Section 4 of TNPHW Act in Crime No.296 of 2023, in Crime No.296 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute, the petitioners herein and other accused ave attacked the defacto complainant with Aruval and also threatened him with dire consequences. 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 Additional Public Prosecutor appearing for the respondent submitted that due to family dispute the petitioners have attacked the defacto complainant and now, the injured was discharged from the hospital. He would further submit that the investigation of the case is pending.

5. On perusal of the FIR, it is noticed that due to the previous enmity, the petitioners have attacked the defacto complainant and now, 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 Kamlendra Pratap Singh vs. State of Uttar Pradesh and others**



CRL OP(MD). No.18201 of 2023

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 permanent resident at Dindigul District and the origin of the crime is family 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 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, Palani, Dindigul District on condition that the petitioners shall execute own bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned



CRL OP(MD). No.18201 of 2023

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.

[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



CRL OP(MD). No.18201 of 2023

TO

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- 1 THE JUDICIAL MAGISTRATE,
PALANI, DINDIGUL DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
PALANI TOWN POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.RAMASAMY, Advocate (SR-15028[I] dated 12/10/2023)

ORDER
IN

CRL OP(MD) No.18201 of 2023

Date :11/10/2023

SS/DD/SAR- /20/10/2023/5P/6C

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