



CRL OP(MD) No.283 of 2024

WEB COPY

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.283 of 2024

S.MUTHURAJ

... PETITIONERS/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
MALLI POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
CRIME NO.148 OF 2023.

... RESPONDENT/COMPLAINANT

VIJAYALAKSHMI ... INTERVENING PETITIONER/DEFACTO COMPLAINANT
IN CRL MP(MD).249/2024 IN CRL OP(MD).283/2024

For Petitioner : MR.C.SURESH KANNAN Advocate
For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)
For Intervenor : MR.M.K.SURESH, Advocate

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.148 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent
police for the alleged offence punishable under Sections 294(b), 323, 506(i) IPC r/w



Section 4 TNPWH Act in Crime No.148 of 2023, seeks anticipatory bail.

WEB COPY

2.The case of the prosecution is that the defacto complainant is the owner of the disputed property. When the defacto complainant was tried to clean the land, the petitioner also claimed right over the property and a quarrel was arose between them, in which, the accused persons threatened the defacto complainant with dire consequences and also abused her in filthy language. Hence, the present case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that in fact, the defacto complainant only entered into the house of the petitioner and assaulted the mother of the petitioner, who is arrayed as A2 in this case and thereafter, the defacto complainant, being an Advocate, foisted the present false case. However, he would submit that the petitioner will not enter into the disputed property, without due process of law and he will workout his remedy before the appropriate civil Court. Therefore, he prayed to grant anticipatory bail to the petitioner.

4.The learned counsel appearing for the intervenor would submit that the petitioner, without any title, entered into the property belongs to the defacto complainant and attempted to grab the same. Hence, he opposed to grant



CRL OP(MD) No.283 of 2024

anticipatory bail to the petitioner.

WEB COPY

5.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation in this case is not yet completed.

6.Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing for the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court(Magistrate), Srivilliputhur, Virudhunagar District, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank



CRL OP(MD) No.283 of 2024

pass Book to ensure their identity;

WEB COPY

(c)the petitioner shall report before the respondent police as and when required;

(d)the petitioner shall not entered into the disputed property, except due process of law and he has to workout his remedy before the appropriate civil Court;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

09/01/2024

/ TRUE COPY /

/01/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns



CRL OP(MD) No.283 of 2024

TO

WEB COPY

1 THE ADDITIONAL MAHILA COURT (MAGISTRATE),
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

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

3 THE INSPECTOR OF POLICE, MALLI POLICE STATION,
SRIVILLIPUTHUR TALUK, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-423[I] dated 09/01/2024)

ORDER

IN

CRL OP(MD) No.283 of 2024

Date :09/01/2024

RS/JGB/SAR-(10.01.2024) 5P 6C

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