



CRL OP(MD) No.1315 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1315 of 2024

1 A VAIYADURAI

2 J.PETHAMMAL

3 AYYANAR

4 K.JEYASANKAR

... PETITIONERS / ACCUSED 1 TO 4

Vs

THE INSPECTOR OF POLICE
KALLIGUDI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.12 OF 2024.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.SAKTHI RAO, Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.12 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.



CRL OP(MD) No.1315 of 2024

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 294(b), 324, 379(NP), 109 and 506(ii) of IPC in Crime No.12 of 2024, seek anticipatory bail.

2.The case of the prosecution is that there is a civil dispute between the accused Nos.1 to 4 and the defacto complainant and the defacto complainant is holding the title over the disputed land. In such circumstances, on 19.01.2024, the petitioners attacked the defacto complainant, entered quarrel with the defacto complainant and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, the third petitioner filed a civil suit for permanent injunction and the same was dismissed. Aggrieved over the same, the appeal suit was filed and the same was also dismissed. Hence, the third petitioner approached this Court through W.P(MD) No.28640 of 2023 and obtained interim stay. On the day of said occurrence, injury sustained by the petitioners also. Further, he would submit that the injured is discharged from the hospital. So, he prays for granting anticipatory bail to the petitioners.



CRL OP(MD) No.1315 of 2024

4. The learned Government Advocate (CrI.Side) would submit that it is a property dispute between the petitioners and the defacto complainant and the injured is discharged from the hospital. Hence, he has no objection to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that it is the property dispute and the injured is discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai District, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



CRL OP(MD) No.1315 of 2024

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(a)if the petitioners 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 pass Book to ensure their identity;

(c)the petitioners shall report before the respondent Police daily at 10.30 p.m., for a period of two weeks and thereafter, he shall report before the respondent Police as and when required;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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]*; and;



CRL OP(MD) No.1315 of 2024

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

sd/-
30/01/2024

/ TRUE COPY /

/02/2024

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

INDU
TO

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

+1 CC to M/s.G.SAKTHI RAO, Advocate (SR-1221[I] dated 31/01/2024)

ORDER
IN

CRL OP(MD) No.1315 of 2024
Date :30/01/2024

SS/JGB/SAR- /01/02/2024/5P/6C

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