



CRL OP(MD).No.8203 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.8203 of 2024

1. Boominathan

2. Vijayan

3. Ganesan

... Petitioners/ Accused No.1 to 3

Versus

The Inspector of Police,

Kombai Police Station,

Theni District.

(Crime No.85 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.P.Samuel Gunasingh, Advocate

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.85 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.85 of 2024, for the offence punishable under Sections 447, 427, 294(b), 342, 324 and 506(ii) IPC, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that on 27.05.2024, the petitioners have

trespassed into the land belonging to the defacto complainant and they have



CRL OP(MD).No.8203 of 2024

destroyed the fence. Thereafter, they have damaged the defacto complainant's mobile phone and assaulted him and caused injury. Hence, the case.

3. The learned Government Advocate (Crl.Side) appearing for the respondent Police raised serious objection that the injured is still taking a treatment in the hospital and his bone was fractured.

4. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Further, he submits that the defacto complainant has been discharged from the hospital. He has also referred to the proceedings of the District Collector, Theni, dated 15.07.2024 and it has been stated that the defacto complainant has encroached upon the road and put up fencing. Therefore, the petitioner herein lodged a complaint before the District Collector on 08.07.2022. Subsequently, on 22.10.2023, the petitioners were assaulted by the defacto complainant and others, for which, he had lodged a complaint before the respondent police. However, the respondent police has not taken any action as against the defacto complainant. Thereafter, another incident took place on 28.12.2023, for which, the petitioner again lodged a complaint before the respondent police and the same was also not considered by the respondent police.

5. Though the petitioners claim that there are three incidents took place prior to



CRL OP(MD).No.8203 of 2024

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this incident, the petitioners have not placed any materials on the complaint lodged by them. Neither any acknowledgment nor any medical certificate is placed before this Court that these petitioners sustained injuries on the alleged previous incidents.

6. The learned Counsel for the petitioners further submits that the petitioners to show bonafide, are ready to deposit a sum of Rs.25,000/- to the credit of Crime No.85 of 2024 without prejudice to their case.

7. This Court considered the rival submissions made.

8. Considering the facts and circumstances of the case and also considering the nature of allegation and their willingness to deposit money to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioners.

9. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of their 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 on condition that

(i) the petitioners execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodinayakanurheni, Theni District.

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence



CRL OP(MD).No.8203 of 2024

address;

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(iii) the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.85 of 2024 before the Judicial Magistrate, Bodinayakanur, Theni District, without prejudice to their contentions and rights before the trial Court and on such deposit being made, if the victim is willing to receive the said amount, he/she is entitled to file an appropriate application to withdraw the said amount or otherwise the said amount shall be decided at the time of deciding the case by the learned Judicial Magistrate concerned under Section 357 of Cr.P.C.

(iv) The petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders. They have to co-operate for the investigation.

(v) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.

(vi) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-

26/06/2024

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/07/2024

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



CRL OP(MD).No.8203 of 2024

TO சென்னை

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1 THE JUDICIAL MAGISTRATE, BODINAYAKANUR, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, KOMBALAI POLICE STATION, THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8203 of 2024

Date :26/06/2024

RS/JGB/SAR-(09.07.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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