



CRL OP(MD) No.20384 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.20384 of 2023

1 M.SELVENDRAN

2 RATCHANA

3 THANGAM

... PETITIONERS / ACCUSED NOS. 1 TO 3

Vs

**THE INSPECTOR OF POLICE
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.
(IN CRIME NO.556/2023).**

... RESPONDENT/ COMPLAINANT

**MANOGARAN ...PETITIONER/INTERVENER/DEFACTO COMPLAINANT
IN CRL MP(MD)No. 16391 of 2023**

**For Petitioner : MR.P.ANDIRAJ, Advocate
for M.JERIN MATHEW, Advocate**

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

**For Intervener : MR.D.S.HAROON RASHEED, Advocate
IN CRL MP(MD)No. 16391 OF 2023**



CRL OP(MD) No.20384 of 2023

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

PRYAER:

FOR ANTICIPATORY BAIL IN CRIME NO.556/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 441, 294(b), 323, 324, 506(2) of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.556 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner is the son of the defacto complainant. The second petitioner is the wife and the third petitioner is the mother-in-law of the first petitioner. Due to the civil dispute between the petitioners and the defacto complainant, on 05.11.2023, at about 08.30 a.m, the petitioners along with other accused went to the agricultural land of the defacto complainant and abused him with filthy language and assaulted him and his wife with wooden log and iron rod and caused injuries on their bodies. Hence, a complaint has been lodged before the Law Enforcing Authority and the Law Enforcing Authority registered a case against the petitioners and other accused.

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CRL OP(MD) No.20384 of 2023

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3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the injured were discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel appearing for the defacto complainant submitted that the disputed land is a ancestral property. After the demise of father of the defacto complainant, the defacto complainant is in possession of the property. A3 and A4 are the father-in-law and mother-in-law of the first petitioner. On 26.10.2023, they entered into the possession of the defacto complainant and criminally intimidated him. In this regard, already case has been registered against A3 and A4 in Crime No.553 of 2023. Due to wreck vengeance, present offence has been committed by the accused. In the said occurrence, the defacto complainant and his wife sustained grievous injury and the investigation is in preliminary stage, he strongly opposed to grant anticipatory bail to the petitioners.



CRL OP(MD) No.20384 of 2023

WEB COPY

5.The learned Government Advocate (Crl.Side) appearing for the State submitted that due to the civil dispute between the petitioners and the defacto complainant, the petitioners along with other accused went to the agricultural land of the defacto complainant and assaulted the defacto complainant and his wife with wooden log and iron rod and caused injuries on their bodies. However, he fairly conceded that the injured persons were already been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured persons were already been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners.

7.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 No.I, Usilampatti, 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:

(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

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CRL OP(MD) No.20384 of 2023

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 a.m until further orders;

(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;

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CRL OP(MD) No.20384 of 2023

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

sd/-
03/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
USILAMPATTI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD) No.20384 of 2023

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-88[I] dated 03/01/2024)

ORDER
IN

CRL OP(MD) No.20384 of 2023

Date :03/01/2024

PKP/VR/SAR- /09.01.2024/ 7P/ 6C

Madurai Bench of Madras High Court is issuing certified
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