



CRL OP(MD) No.23594 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23594 of 2023

1 MAHARAJAN

2 VIJAY

3 M.MUTHULAKSHMI

... PETITIONERS/ ACCUSED NO.1 TO 3

Vs

THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

CRIME NO.662/2023.

... RESPONDENT/COMPLAINANT

K.MOHANRAJ

... PETITIONER/INTERVENER

IN CRL MP(MD).131/2024 IN CRL OP(MD).23594/2023

For Petitioner : M/S.S.V.SHANMUGARAJAN, Advocate

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

For Intervenor : MR.MADHUBALAN, Advocate

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.662/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-



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The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324 and 506(2) of IPC and Section 4 of TNPWH Act, in Crime No.662 of 2023, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, on 16.02.2023 at about 07.00 a.m., there was a wordy quarrel arose between the de-facto complainant and the petitioners, the petitioners attacked the de-facto complainant and caused injuries and also threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution, in fact, the de-facto complainant damaged the petitioners' compound wall, thereby, a wordy quarrel arose between them, in which, both of them attacked each other and the petitioners' complaint was not taken on file. However, they are ready to abide any condition that may be imposed by this Court and also ready to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime Number. Thereafter, the said amount may disburse to the defacto complainant without prejudice to their rights and prayed for granting anticipatory bail.

4.The learned counsel for the intervenor would submit that due to property dispute, the petitioners attacked the de-facto complainant and caused injuries and hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5.The learned Government Advocate (Crl. side) appearing for the State strongly opposed this petition on the ground that investigation is pending.

6.Considering the facts and circumstances of the case and also considering the facts that it is a property dispute between the parties and the petitioners are ready and willing to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of three weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Natham, Dindigul 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:

(a) the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the Credit of Crime No.662 of 2023 before the said Court, before executing bond. Upon receipt of such deposit, the learned Judicial Magistrate, Natham, Dindigul District, shall disburse a sum of Rs.20,000/- directly to the defacto



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complainant.

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(b)if the petitioners failed to surrender before the concerned Magistrate within a period of three weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) 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;

(d) the first and second petitioner shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter, as and when required for interrogation and the the third petitioner shall report before the respondent police as and when required for interrogation;

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

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

sd/-
05/01/2024

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/01/2024

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

SJI

TO

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

+1 CC to M/s.R.KANNAN, Advocate (SR-226[I] dated 05/01/2024)

ORDER
IN

CRL OP(MD) No.23594 of 2023
Date :05/01/2024

RS/JGB/SAR-(10.01.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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