



Crl.O.P.(MD) No.22949 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD) No.22949 of 2024

1.John Ignacy

2.Joseph

3.Kulanthai Theras

4.Mayakkal

... Petitioners/ Accused not known

-vs-

State of Tamil Nadu
rep.by the Inspector of Police
Ammaiyanaickanur Police Station
Dindigul District

... Respondent / Complainant

(Crime No.332 of 2024)

PRAYER: Petition filed under Section 482 of BNSS to enlarge the petitioners on bail in the event of their arrest in Crime No.332 of 2024, on the file of the respondent - Police.

For Petitioners : Mr.R.J.Karthick, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi

Government Advocate (Crl.Side)



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ORDER

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The petitioners / accused, who apprehends arrest at the hands of the respondent - Police for the offences punishable under Sections 294(b), 74, 115(2), 303 (2) BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.158 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.12.2024, due to the land dispute, the petitioners have assaulted the de facto complainant and abused her in filthy language and threatened her with dire consequences. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. They have not committed any offence as alleged by the prosecution. There is a civil dispute between the parties and in order to wreck vengeance, the de facto complainant has lodged a complaint against the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent -



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Police would submit that on 18.12.2024, due to the land dispute, the petitioners have assaulted the de facto complainant and abused her in filthy language and threatened her with dire consequences. He would further submit that no criminal case is pending against the petitioner and it is a case and counter case and there is no previous case pending against the petitioners and the injured has been discharged from the hospital.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and the nature of offences charged as against the petitioners and also taking into consideration the fact that the injured has been discharged from the hospital, there is no previous case pending against the petitioners and it is a case and counter case, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on anticipatory bail on condition to 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 learned Judicial Magistrate, Nilakkottai, and on further conditions that:

[b] the petitioners shall report before the respondent – Police, on all Saturdays



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at 10.00 A.M. for four weeks and thereafter, as and when required for interrogation.

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[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

sd/-
27/12/2024

/ TRUE COPY /

/01/2025

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

krk

TO:

1.THE JUDICIAL MAGISTRATE, NILAKKOTTAI

<https://www.mhc.tn.gov.in/judis>



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2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3.THE INSPECTOR OF POLICE,
AMMAIYANAICKANUR POLICE STATION, DINDIGUL DISTRICT.

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

ORDER
IN
CRL OP(MD) No.22949 of 2024
Date :27/12/2024

RK/SKN(02/01/2025) 5P / 5C

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