

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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5072 of 2019

1 KARTHIKEYAN

2 AMBIGA

.... PETITIONERS / ACCUSED 1,2

Vs

THE STATE REP. BY,
INSPECTOR OF POLICE
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.108 OF 2019)

... COMPLAINANT/RESPONDENT

For Petitioners : MR.D.BALAMURUGAPANDI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 323, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 in Crime No.108 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is husband of the defacto complainant and the second petitioner is the mother-in-law of the defacto complainant. Due to a family dispute, there was a wordy quarrel between the petitioners and the defacto complainant, wherein the petitioners were said to have abused the defacto complainant with filthy language. Hence, the defacto complainant had lodged a complaint against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are no way connected with the offence and they have been falsely implicated in this case and hence, the petitioners may be granted anticipatory bail. He further submitted that no previous case pending against the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor would submit that,

there was a wordy quarrel between the petitioners and the defacto complainant and his family members, wherein the petitioners have attacked the defacto complainant and had caused injuries. He further submitted that the injured has been discharged from the hospital.

5.Taking into consideration, the nature of allegation against the petitioners and also that the injured person has been discharged from the hospital and that no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Manaparai, Trichy within a period of 15 days from the date of receipt of a copy of this order, on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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:

(b)the petitioners and the sureties shall affix their photograph and left thumb impression in the surety bond and the Magistrate 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 as and when required for interrogation;

(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;

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

sd/-

03/04/2019

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TO

1 THE JUDICIAL MAGISTRATE
MANAPARAI, TRICHY DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY

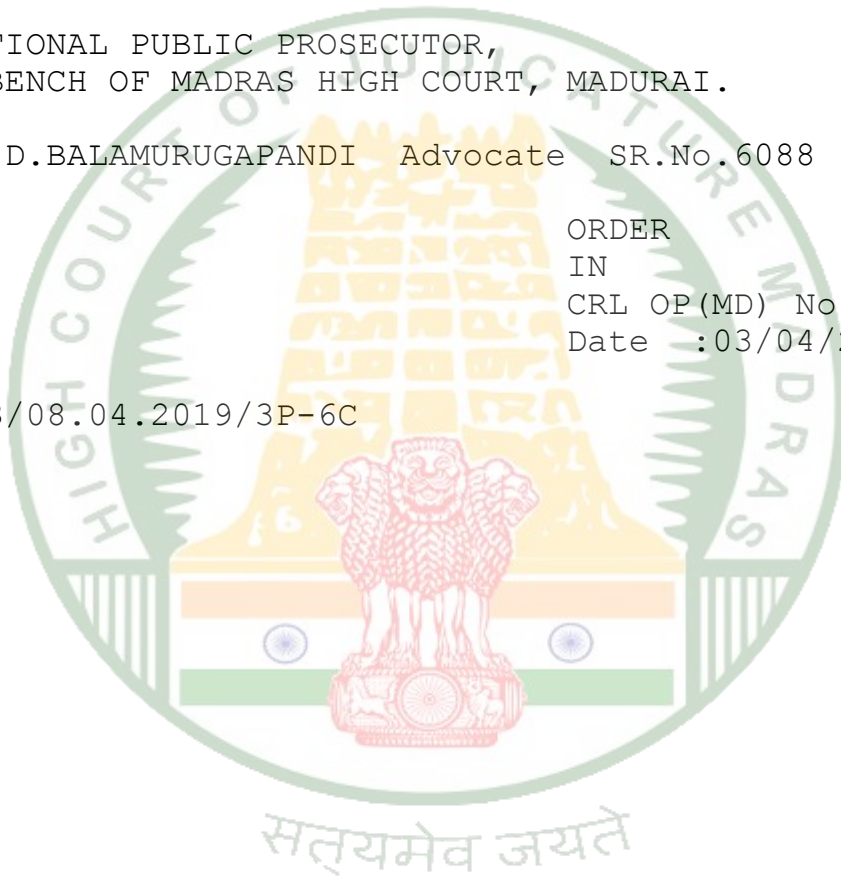
3 THE INSPECTOR OF POLICE
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to MR.D.BALAMURUGAPANDI Advocate SR.No.6088

ORDER
IN
CRL OP(MD) No.5072 of 2019
Date :03/04/2019

MSI/MMS/SAR 3/08.04.2019/3P-6C



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