



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4145 of 2020

1. GURUMOORTHY
2. G.PRABU
3. G.ANAND
4. R.GOPAL @ GOPALASAMY
5. V.KANNAN @ DURAIMURUGAN ... PETITIONERS/ACCUSED NOS.1 TO 5

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
PUTHANATHAM POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.17 OF 2020). ... RESPONDENT/COMPLAINANT

For Petitioner : Mr.M.Suresh,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory Bail in Crime No.17 of 2020 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 for the offences punishable under Sections 147, 294(b), 342, 323 and 506(1) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.17 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The de-facto complainant and the first petitioner are very close relative. Regarding the enjoyment of the usufructuary of common land, the dispute and wordy quarrel between



the de-facto complainant and the petitioners had arisen, in which, the de-facto complainant has sustained injury and got admitted in a private hospital. Based on her complaint, the case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners would submit that it was only a wordy quarrel. But there was no assault or injury on the de-facto complainant as alleged in the complaint.

4.Whereas, the learned counsel appearing for the intervenor would submit that the de-facto complainant had sustained injury at the hands of the petitioners and if the petitioners are granted anticipatory bail, there is every possibility of threat to the de-facto complainant, who is living with her sister's son.

5.On hearing the submissions made by the respective counsel and the learned Additional Public Prosecutor.

6.Taking note of the close relationship between the de-facto complainant and the first accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners 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 Judicial Magistrate, Manapparai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs 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;

(b)the petitioners shall stay at Lalgudi and report before the Inspector of Police, Lalgudi Police Station, daily at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation;

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

(d)the petitioners shall not abscond either during investigation or trial;

(e)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**



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

sd/-
05/03/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

+1 CC to M/s.M.SURESH, Advocate (SR-4864[I] dated 05/03/2020)

COPY TO:

THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.

ORDER

IN

CRL OP(MD) No.4145 of 2020

Date :05/03/2020

SJI

JM/VR/SAR 3/12.03.2020/3P/7C