



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/05/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5311 of 2020

1. Kalyani @ Oomaiyan
2. Seetha
3. Chittu @ Chittammal
4. Murugavalli

... Petitioners/Accused No.1 to 4

Vs

State Rep.by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
In Crime No.63 of 2020.

... Respondent/Complainant

For Petitioners: M/s.S.J.Chakkaravarthy,
Advocate.

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

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

PRAYER :-

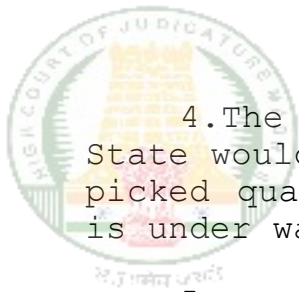
For Anticipatory Bail in Crime No.63 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 336 and 506(ii) of IPC and Section 4 of Women Harassment Act, seek anticipatory bail.

2.Heard both sides.

3.According to the complaint, when the de-facto complainant and her husband went to their land to cut firewood, the petitioners attacked them and abused them with filthy language. Due to previous enmity and property dispute, it alleged in the complaint that the petitioners with an intention to prevent the de-facto complainant from enjoying the property restrained them from entering the land and also threatened them with dire consequence.



4.The learned Additional Public Prosecutor appearing for the State would submit that due to previous enmity, the petitioners have picked quarrel with the de-facto complainant and the investigation is under way.

5.considering the fact that the petitioners are womanfolk and the allegations are not serious in nature, this Court is inclined to grant anticipatory bail on certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest by respondent police on executing a own bond for a sum of Rs.25,000/- and further each of the petitioners shall produce two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)each before the learned District Munsif-cum-Judicial Magistrate, Kamuthi, Ramand District on or before 12.06.2020 and on further condition that:

(a)the petitioners and 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 report before the respondent police and give their finger print for comparison and also co-operate with the respondent police for further 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;

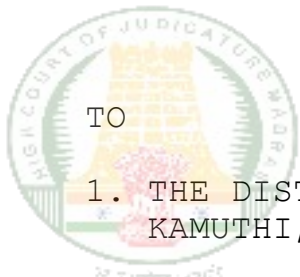
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
13/05/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KAMUTHI, RAMNAD DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5311 of 2020
Date :13/05/2020

MS/PN/SAR-3/14.05.2020/3P.5C