



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2020
CORAM:

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CRL OP(MD) . No.6306 of 2020

1. Seshurajan
2. Jothias

... Petitioners/Accused No.1&2

Vs

The State rep. by
The Inspector of Police,
North Police Station,
Thoothukudi District.
(Crime No. 567 of 2020).

... Respondent/Complainant

For Petitioner : M/s. V.Malaiyendran,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 567 of 2020 on the file of the Respondent Police

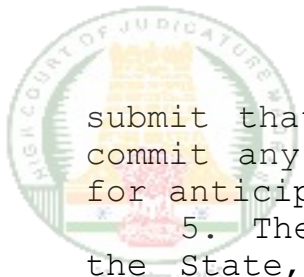
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 506(ii) and 307 of IPC and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.567 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that when the petitioners were standing in front of the de-facto complainant's house, a wordy altercation took place between both the petitioners and the de-facto complainant, her husband and their son. Due to which, the petitioners attacked the defacto complainant on his head and abused filthy language. Hence, the complaint.

4. The learned counsel appearing for the petitioners would



submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution, hence, he prays for anticipatory bail to the petitioners.

5. The learned Government Advocate (crl. side) appearing for the State, on instructions, would submit that in this case, the injured has been discharged from the hospital.

6. Considering the facts and circumstances of the case and considering the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thoothukudi and on their executing a 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 learned Magistrate concerned;

(ii) The petitioners shall appear before the respondent police daily at 05.00 p.m for a period of two weeks and thereafter as and when required, for the purpose of interrogation.

(iii) 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-

17/06/2020

/ TRUE COPY /

/ /2020

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

