



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date: **19/06/2020**

WEB COPY

PRESENT:

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6400 of 2020

1. B.Selvamaharajan
2. S.Kasthuribai

... Petitioners/ Accused 1 & 2

Vs

State rep. By
The Inspector of Police,
Kulasekaranapattinam Police Station,
Thoothukudi District.
Crime No.116/2020

... Respondent/Complainant

For Petitioners: M/s.P.Balamurugan, 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.116 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(i) of I.P.C., and Section 4 of TNPHW Act in Crime No.116 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the de facto complainant's husband is running a medical shop at Udangudi Main bajar.On 09.06.2020, the de facto complainant and her daughter were standing in front of her house and at that time, at about 5:00 p.m., the first and second accused came to the de facto complainant's house and abused the de facto complainant and her



daughter with filthy language and criminally intimidated due to previous enmity. Hence, the complaint.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged offence.

5. The learned Government Advocate(Crl. Side) submitted that no one sustained injuries in this regard.

6. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court, Thiruchendur and on them 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;

[b] The petitioners shall appear before the respondent police as and when required, for interrogation;

[c] The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously;

[d] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. The petitioner 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.

sd/-
19/06/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

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

ORDER

IN

CRL OP(MD) No.6400 of 2020

Date :19/06/2020

MS/PN/SAR-2/23.06.2020/2P.5C