



WEB COPY

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

Date : 10/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7052 of 2020

1. BALAMURUGAN
2. DHINAKARAN
3. PALMARUDU
4. ROJA

... PETITIONERS/ACCUSED NOS.1 TO 4

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 52 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioners: Mr.S.Ravi,
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.52 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323, 354(C) and 506 (i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.52 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the second petitioner are brothers and third petitioner is their wife and the fourth petitioner is the wife of the second



petitioner. The first petitioner was said to have misbehaved with the defacto complainant. When the same was questioned by the defacto complainant, the petitioners were involved in this crime. Hence, the complaint.

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

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have already lodged a complaint against the defacto complainant in Crime No.53 of 2020 and it is a case in counter and hence, they seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that it is a case in counter. He further submitted that there is no previous case pending against the petitioners.

6. Considering the facts and circumstances of the case that it is a case in counter case and the petitioner has also filed a complaint in Crime No.53 of 2020 against the defacto complainant and there is no previous case pending against the petitioners, 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Additional Mahila Judge, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 report before the respondent police 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 5560]; and;

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

sd/-
10/07/2020

/ 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 ADDITIONAL MAHILA JUDGE,
RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE
THIRUPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7052 of 2020
Date :10/07/2020

vsg
JM/JC/SAR 2/14.07.2020/3P/4C