



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

Date : 17/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7512 of 2020

1.B.Parthiban
2.Babu
3.B.Lakshmi

... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
Crime No.196/2020

... Respondent/Complainant

For Petitioners: Mr.A.Thiruvadi Kumar,
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.196 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 342, 323, 352 and 506(ii) of IPC r/w Section 4 of TNPWH Act, 2002, in Crime No.196 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 fell in love with defacto complainant's sister. Thereafter, the said relationship was broken up by the defacto complainant. Due to which, the first petitioner had send abusive and obscene messages to the defacto complainant's sister through Whats app. When the same was questioned by the defacto complainant, the petitioners were said to have abused using filthy language and also assaulted the defacto complainant and his mother. 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 not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that it is a case in counter, earlier the petitioners have been attacked by the defacto complainant and hence, they have given a complaint against him and the same was registered in Crime No.194 of 2020 for the offence punishable under Sections 177, 294(b), 323 and 506(ii) of IPC r/w Section 4 of TNPHW Act, 2002. As a counter blast, the present complaint has been filed. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioners were said to have attacked the defacto complainant and caused injury to him. However, he further submitted that the injured sustained only simple injury and he has been treated as out patient.

6. Considering the facts and circumstances of the case and considering the fact that it is a case in counter and the injured sustained only simple injury and he has been treated as out patient, 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 before the learned Judicial Magistrate, Sathankulam, and on their executing 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 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/07/2020

/ 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 JUDICIAL MAGISTRATE,
SATHANKULAM.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7512 of 2020
Date :17/07/2020

VSG
AE/PN/SAR.2/21.07.2020/3P/5C