



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

Date : 23/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.7654 of 2020

1. Boominathan
2. Pandi
3. Neelavathi
4. Saranya

... Petitioners/Accused No.1 to 4

Vs

The State Rep. by
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
Cr.No. 287 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.Jainaul Abudheen, 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.287 of 2020 on the file of the respondent police.

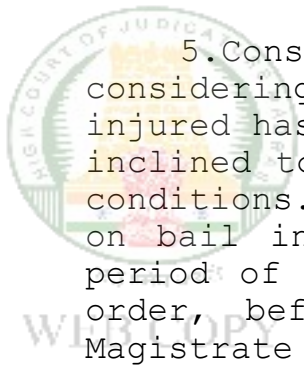
ORDER : The Court made the following order :-

The petitioners are figuring as accused Nos.1 to 4 in Crime No.287 of 2020 on the file of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(i) of I.P.C. and Section 4 of Women Harassment Act.

2.The case of the prosecution is that the petitioners and the de-facto complainant are relatives. Due to family dispute, there was a wordy quarrel arose between the parties, the petitioners are said to have attacked the de-facto complainant with hand and caused injuries.

3.The learned counsel appearing for the petitioners would submit that it is the case in counter and the petitioners have also lodged a complaint against the de-facto complainant and the same was registered in Crime No. 294(b), 323, 324 and 506(ii) of I.P.C. and Section 4 of TN Prohibition of Harassment of Women Harassment Act 2002. He would further submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the injured has been discharged from the hospital.



5. Considering the facts and circumstances of the case and also considering the fact that this is a case and case in counter and the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Principal District Munsif-cum-Judicial Magistrate Court, Karaikudi, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two common 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/07/2020

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/ /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 Principal District Munsif-cum-Judicial Magistrate Court,
Karaikudi, Sivagangai District.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Inspector of Police,
Kallal Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.7654 of 2020
Date : 23/07/2020

SMA/RSK/SAR-III/27/07/2020/3P/5C