



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8189 of 2020

1. Murugan
2. Balamurugan

... Petitioners/Accused No.1&2

Vs

The State rep. by
The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District
Cr No.304/2020.

... Respondent/Complainant

For Petitioner : M/s.T.Indrachithu,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.304 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused No.1 and 2 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(i) of I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act r/w Section 3(1) of TNPPDL Act, in Crime No.304 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the parties, the petitioners are said to have attacked the de-facto complainant and also demolished the entire toilet, worth about Rs.5,000/- constructed by the de-facto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would

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submit that the second petitioner who is mentally retarded person had damaged the toilet of de-facto complainant, with out any intention to cause damage. He would further submit that the de-facto complainant and others said to have demolished the toilet belongs to the first petitioner and no FIR was registered against the de-facto complainant.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that due to previous enmity between the parties, the petitioners are said to have attacked the de-facto complainant and also demolished the entire toilet, worth about Rs.5,000/- constructed by the de-facto complainant. Based on the complaint given by the de-facto complainant, a case has been registered.

5. Considering the above facts and circumstances of the case, I am 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 Judicial Magistrate Court, Sivagiri, Tenkasi District, 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/08/2020

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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,
SIVAGIRI,
TENKASI DISTRICT.
2. DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8189 of 2020
Date :07/08/2020

SJI
SRS/ VR/ SAR-II/ 14.08.2020/ 3P/5C