



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

Date : 27/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8883 of 2020

1. BALASUBRAMANIAN
2. VIMALA DEVI

... PETITIONERS/ACCUSED NO.1 & 2

VS

STATE REP.BY
THE STATION HOUSE OFFICER,
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 307 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.P.Shanmuga Raja,
Advocate.

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

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

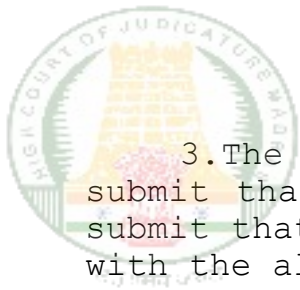
PRAYER :-

For Anticipatory Bail in Crime No.307 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as accused No.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 323 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.307 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the de-facto complainant, both of them attacked each other and caused injuries. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that this is a case and case in counter. He would further submit that the petitioners are innocent and they have nothing to do with the alleged offence.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that there was a wordy quarrel between the parties and both of them attacked each other. He would further submit that the injured person in this case 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 in counter case and the injured person has already been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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, Karaikudi, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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/-
27/08/2020

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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,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE STATION HOUSE OFFICER,
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8883 of 2020
Date :27/08/2020

SJI
JM/JC/SAR 2/02.09.2020/3P/5C