



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.9017 of 2020

1. Chellamuthu
2. Irulayee

... Petitioners/Accused No.1&2

Vs

The State rep. by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime No. 1924 of 2020.

... Respondent/Complainant

For Petitioners: Mr.P.Senguttuarasan, 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. 1924 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), 323 and 307 of IPC, in Crime No.1924 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the wife of the defacto complainant and the second petitioner is the mother of the first petitioner. The first petitioner said to have illegal intimacy with one Rajan, who is arrayed as A3 in this case. Thereafter, the first petitioner and the defacto complainant are living separately. The petitioner sold out his property, which was questioned by the petitioners and A3, consequently, there was a wordy quarrel between the petitioners and the defacto complainant, for which, the petitioners and A3 said to have abused the defacto complainant by using filthy language and also assaulted him with wooden log and caused injuries. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal 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. He further submitted that due to civil dispute, the petitioners have been falsely implicated in this case. He further submitted it is a case in counter, earlier the petitioners and A3 have been attacked by the defacto complainant, due to which, A3 sustained serious injuries and thereafter he died and hence, the petitioners have given a complaint against the defacto complainant and the same has been registered in Crime No.1925 of 2020. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that due to civil dispute, the occurrence said to have taken place. He further submitted that it is a case in counter and the injured person has already been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in a wordy quarrel and it is a case in counter and the injured person has already been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

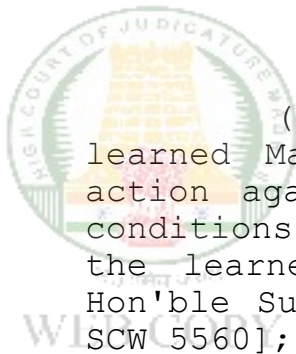
7. Accordingly, the petitioners is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/08/2020

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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 JUDICIAL MAGISTRATE,
THENI
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THENI.
3. THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9017 of 2020
Date : 27/08/2020

VSG
SRS/ JC/ SAR-II/ 31.08.2020/ 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>