



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

Date : 07/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9117 of 2020

1.Muthukaruppan
2.Manjula
3.Pandiyarajan

... Petitioners/A1,A3 & A4

Vs

The State rep.by
The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
Crime No.92 of 2020

... Respondent/Complainant

Krishnammal

...Intervene Petitioner/
Defacto Complainant
in CRL MP(MD)No.4398 of 2020
in CRL OP(MD)No.9117 of 2020

For Petitioners : M/s. A.K.Manickam, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervenor : Mr.R.Venkatesan, Advocate.

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

PRAYER :-

For an Anticipatory Bail in Crime No. 92 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, 3 and 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 427, 323 of I.P.C. and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.92 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 regarding grazing of cattle, the petitioners said to have attacked the de-facto complainant and abused her with



filthy language and also caused damage to the car. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners, learned counsel appearing for the intervenor and the learned Government Advocate (Crl. Side) appearing for the respondent police.

4. The learned counsel appearing for the petitioners would submit that due to previous enmity between the parties regarding grazing of cattle, in which, earlier the petitioners have given a complaint before the respondent police in Crime No.91 of 2020 and thereafter, the de-facto complainant has given a present complaint before the respondent police. 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 this is a case in counter and the investigation is pending.

5. 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 this is a case in counter, 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, Thiruppuvanam 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:

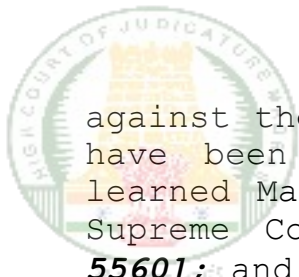
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 or the learned Judicial 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;

WEB COPY

(f)if the petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/09/2020

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

ORDER
IN
CRL OP(MD) No.9117 of 2020
Date :07/09/2020

SJI
TK/JC/SAR.1/14.09.2020/3P/5C