



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9280 of 2020

1. V.Vasiammal
2. Arun @ Vasimalaikannan
3. Ganesan ... Petitioners/Accused 1 to 3

Vs

The State Rep. by
The Inspector of Police,
Ezhumalai Police Station,
Madurai District
Crime No.Not known of 2020. ... Respondent/Complainant

For Petitioners : M/s.S.Siva Ilayaraja,
Advocate.
For Respondent : M/s.S.E.Venonica Vincent
Government Advocate (Crl.Side)

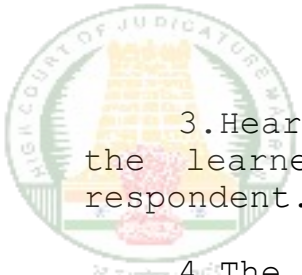
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No. not known of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 to A-3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 506(ii) of IPC and Section 4 of TNPWH Act, in Crime No.Not known of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are arrayed as A-1 to A-3. The allegation is that the defacto complainant is a lady and suspect that A-1's husband said to have illicit intimacy with the defacto complainant, all the petitioners went to the residence of the defacto complainant and abused her and assaulted her and damaged the household articles. Hence, the complaint.



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

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Due to wordy quarrel, earlier, there was a dispute between the parties, in which both the parties have been given complaint which was subsequently compromised and both the complaints were closed by the respondent police. Thereafter, the defacto complainant has approached the concerned Jurisdictional court and based on the directions issued by the learned Magistrate the present case has been registered. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that, earlier, both the parties have given complaints and the same was compromised. He further submitted that, both the complaints were closed by the respondent police, afterthat, the defacto complainant has approached the learned jurisdictional Magistrate under Section 156(3) of Cr.P.C. and based on a directions issued by the learned Magistrate the instant case has been registered against the petitioners.

6. Considering the fact and circumstances of the case and considering the fact that the occurrence taken place in a wordy quarrel between the parties, earlier, case in counter were closed by the respondent police, based on a directions issued by the learned Magistrate, the instant case has been registered, and hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate No.I, Usilampatti, 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/-

03/09/2020

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE No.I,
USILAMPATTI, MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
EZHUMALAI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.SIVA ILAYARAJA, Advocate (SR-6243[I] dated 03/09/2020)

ORDER

IN

CRL OP (MD) No.9280 of 2020

Date : 03/09/2020