



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

Date : 17/09/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD) . No.9888 of 2020

1. C.Rajamanickam
2. Sabarish

... Petitioners/Accused

Vs

The State rep. by
The Inspector of Police,
Manapparai Police Station,
Manapparai Taluk,
Trichy District.
(Crime No. 1479 of 2020).

... Respondent/Complainant

For Petitioners: Mr.K.C.Ramalingam,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.1479 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324 and 506(i) of IPC, in Crime No.1479 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife and the second petitioner is the son of the first petitioner. Due to family dispute, the first petitioner and the defacto complainant are living separately for the past 10 years. Due to that motive, the petitioners said to have trespassed into the house of the defacto complainant and abused the defacto complainant by using filthy



language and also attacked her and threatened her with dire consequences. 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 family dispute, the petitioners have been falsely implicated in this case. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that due to family dispute, the occurrence said to have taken place. He further submitted that no one sustained injury.

6. Considering the facts and circumstances of the case and also considering the fact that due to family dispute, the occurrence said to have taken place and the petitioners are husband and son of the defacto complainant and no one sustained injury, considering the above circumstances and there is no serious allegation against the petitioners, 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 Judicial Magistrate Court, Manapparai, 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:

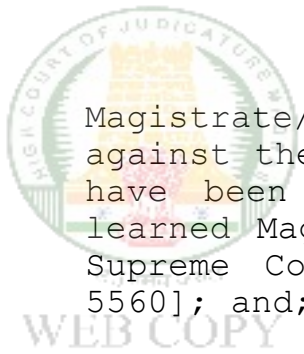
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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;

<https://hcservices.ecourts.gov.in/hcservices> 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/-
17/09/2020

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

+1CC to M/s.K.C.RAMALINGAM, Advocate (SR-6525[I] dated 21/09/2020)

ORDER
IN
CRL OP(MD) No.9888 of 2020
Date :17/09/2020

VSG

<https://hseervices.ecourts.gov.in/hseervices/> SPS/ VP/ SAP-IV/ 21.09.2020/ 3P/6C