



WEB COPY

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

Date : 18/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.9983 of 2020

1.Thanaraj @ Abraham Thanaraj

2.Arun @ Arun Paulraj

... Petitioners/Accused Nos.1&2

Vs

The State rep. by
The Inspector of Police,
Alwarthirunagar Police Station,
Alwarthirunagar,
Thoothukudi District.
Crime No.285 of 2020.

... Respondent/Complainant

For Petitioners: Mr.T.Vadivelan,
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 Anticipatory Bail in Cr.No.285 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 & A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 427, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition and Harassment of Women Act, in Crime No.285 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners said to have abused the defacto complainant using filthy language with dire consequence and damaged the defacto complainant's property. Hence the complaint has been registered.



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 close relatives of the defacto complainant. Due to previous enmity, the defacto complainant gave a false complaint against the petitioners. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners and the defacto complainant are close relatives and no one sustained serious injury.

6. Considering facts and circumstances of the case and also considering the fact that the petitioners and the defacto complainant are close relatives and the petitioners only said to have abused the defacto complainant and no one sustained injury, I am inclined to grant anticipatory bail to the petitioner 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 Judicial Magistrate, Srivaikundam, 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



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/-
18/09/2020

/ 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,
SRIVAIKUNDAM.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALWARTHIRUNAGAR POLICE NAGAR,
ALWARTHIRUNAGAR,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9983 of 2020
Date :18/09/2020

VSD
SRS/ JC/ SAR-II/ 22.09.2020/ 3P/5C