



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

Date : 03/11/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12224 of 2020

1.M.Dhileepan
2.M.Muthulakshmi

3.M.Thalapathi Raja

**(Wrongly Mentioned as Thalapathi in FIR
Instead of Thalapathi Raja)**

... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
Crime No.2305 OF 2020

... Respondent/Complainant

For Petitioners : Mr.AK.Gopalan,
Advocate.

For Respondent : Mrs.M.Anandhadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 2305 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506(1) of IPC and Section 4 of TNPHW Act-2002, in Crime No. 2305 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel between the petitioners and the defacto complainant's wife regarding to the petitioners Cow had drunk the water in the vessel which belongs to the defacto complainant, the petitioners and other



accused were said to have abused the defacto complainant's wife by using filthy language and threatened her with dire consequences. 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. Hence, he seeks anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that due to wordy quarrel between the petitioners and the defacto complainant's wife regarding to the petitioners Cow had drunk the water in the vessel which belongs to the defacto complainant, the petitioners and other accused were said to have abused the defacto complainant's wife by using filthy language and threatened her with dire consequences. He further submitted that the 3rd accused name was **wrongly mentioned as M. Thalapathi in FIR instead of M. Thalapathi Raja.**

6. Considering the facts and circumstances of the case and also considering the fact that there is only wordy quarrel between the petitioners and the de there is no injury was caused to the defacto complainant's wifefacto complainant's wife and also the fact that, 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 two weeks from the date of receipt of a copy of this order, before the learned Learned Judicial Magistrate No-6, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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/-
03/11/2020

/ 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 NO-6, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12224 of 2020
Date : 03/11/2020

DSS
TK/VR/SAR.2/05.11.2020/3P/5C