



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

Date : 02/12/2020

PRESENT

WEB COPY

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

CRL OP(MD) . No.13750 of 2020

1. Rajasekar
2. Thennarasu
3. Gurumban
4. Pandiyammal
5. Malaiyammal
6. Vanitha

... Petitioners/Accused No.2to7

Vs.

The State rep. by
The Inspector of Police,
T.Ramanathapuram Police Station,
Madurai District.
Crime No. 614 of 2020.

... Respondent/Complainant

For Petitioners: Mr.A.Arputharaj, Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Criminal Side)

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

PRAYER :- For Anticipatory Bail in Crime No.614 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

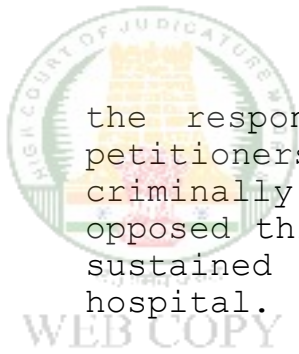
The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 427, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.614 of 2020, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the even as per the FIR, due to previous enmity, the petitioners are assaulted the defacto complainant and her husband and used obscene words, threatening with criminal intimidation and also damaged two-wheeler. He further submitted that the injured sustained only simple injury and was discharged from the hospital and therefore, he prayed anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for

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the respondent has submitted that due to previous enmity, the petitioners assaulted the defacto complainant and her husband and criminally intimidated them with dire consequences and hence, he opposed this petition. However, he fairly conceded that the injured sustained only simple injury and was already discharged from the hospital.

5.Taking into consideration the fact that the injured person sustained only simple injuries and was also discharged from the hospital, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Usilampatti, 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:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police as and when required by the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

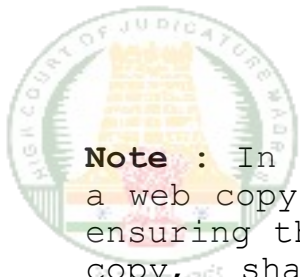
(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/12/2020

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO. II,
USILAMPATTI.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
T. RAMANATHAPURAM POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13750 of 2020

Date : 02/12/2020

LS

SRS/JC/SAR-III/07.12.2020/3P/5C