



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

Date : 09/12/2020

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PRESENT

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

CRL OP(MD). No.14349 of 2020

1. Suyambulingam
2. Banumathi

... Petitioners/Accused Nos.1&2

Vs

The State rep. by
The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.
(Crime No.403/2020).

... Respondent/Complainant

For Petitioners : Mr.S.Deenadhayalan,
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.403 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 448, 294(b) and 323 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.403 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the petitioners and the ~~defence~~ complainant are neighbours. The petitioners trespassed into



the defacto complainant's house and assaulted her and abused her with dire consequences.

4.The learned counsel for the petitioners submitted that due to previous enmity, the defacto complainant lodge a false complaint. The petitioner did not commit any offence as alleged by the prosecution.

5.The learned Government Advocate (Criminal Side) submitted that the injured person has been discharged from the hospital.

6.Considering the facts and circumstances of the case and the fact that the defacto complainant has discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Thoothukudi, and on their executing 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 first petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and the thereafter, as and when required for interrogation. The second petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/12/2020

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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 JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
PUTHIYAMPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14349 of 2020
Date :09/12/2020

IAS
SRS/AKM/SAR-II/14.12.2020/3P/5C