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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 09/12/2020

PRESENT

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

CRL OP(MD) . No.14387 of 2020

1. Sivaprakasham
2. Bharathi

... Petitioners/Accused No. not known

**Vs**

The Inspector of Police,  
Jambunathapuram Police Station,  
Trichy District.

Crime No. Not Known of 2020 ... Complainant/Respondent

For Petitioners : Mr.K.Sivabalan,  
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

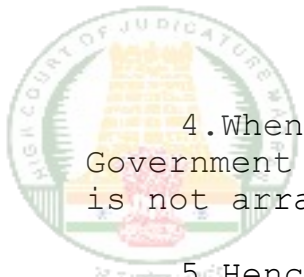
For Anticipatory Bail in Crime No. not known of 2020 on the file of the respondent police.

**ORDER :** The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324 and 506(ii) of I.P.C. r/w. Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.601 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the petitioners attacked the defacto complainant with iron rod due to civil dispute and abused her in filthy language. Hence, the case has been registered.



4. When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that the second petitioner is not arrayed as accused in this case.

5. Hence, this criminal original petition is dismissed as regards the second petitioner.

6. The learned counsel for the petitioners submitted that due to civil dispute, the defacto complainant lodged a false complaint against them and the petitioners did not commit any offence as alleged by the prosecution.

7. The learned Government Advocate (Crl. Side) submitted that the injury sustained by the defacto complainant was simple in nature and she was treated as out-patient.

8. Considering the facts and circumstances of the case and considering the nature of injury sustained by the defacto complainant, I am inclined to grant anticipatory bail to the first petitioner with certain conditions.

9. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thuraiyur, Trichy District, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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 first petitioner 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 thereafter, as and when required for interrogation.

(c) the first petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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.

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

+1 CC to M/s.K.SIVABALAN, Advocate ( SR-8054[I] dated 10/12/2020 )

ORDER  
IN  
CRL OP(MD) No.14387 of 2020  
Date :09/12/2020

IAS  
TE/SMA/SAR-II : 14/12/2020 : 3P/6C