



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2020

PRESENT

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

CRL OP(MD).No.15680 of 2020

1.Sargunam
2.Dhanalakshmi
3.Kayalvizhi

... Petitioners/Accused
Nos.1 to 3

Vs.

The State Rep. by
The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.
(Crime No.2026 of 2020)

... Respondent/Complainant

For Petitioners: Mr.Santhakumaresan.V,
Advocate.

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

For Intervenor : Mr.Saravana Kumar

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

PRAYER :-

For Anticipatory Bail in Cr.No.2026 of 2020 on the file of the Respondent Police.

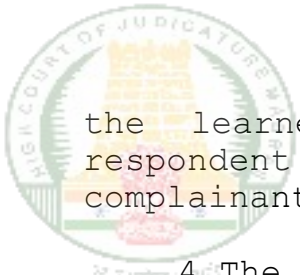
ORDER : The Court made the following order :-

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(i) IPC, in Crime No.2026 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners went to Tea Stall belonging to the petitioners' family members and scolded the defacto complainant and attacked her and caused criminal intimidation to her. Hence, the case has been registered.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Heard the learned counsel appearing for the petitioners and



the learned Government Advocate (Crl.Side) appearing for the respondent and the learned counsel appearing for the defacto complainant.

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners said to have attacked the defacto complainant and caused injury to her. However, he further submitted that the injured sustained only simple injury.

6.Considering the facts and circumstances of the case, 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 Judicial Magistrate, Periyakulam, 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 shall file an affidavit undertaking not to indulge in similar activities in future. If the petitioners fail to obey the undertaking given by them, the respondent is directed to proceed action against them in accordance with law;

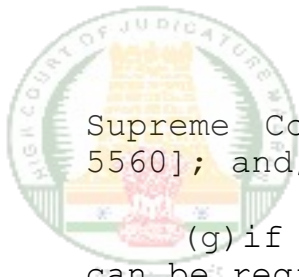
(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
23/12/2020

/ TRUE COPY /

/ /2021
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, PERIYAKULAM.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
PERIYAKULAM, THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- + 1 CC TO Mr.C.VETRIAN, ADVOCATE IN SR No. 27172

ORDER
IN
CRL OP(MD) No.15680 of 2020
Date :23/12/2020

VSD
TE/KV/SAR-III : 07/01/2021 : 3P/6C