



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

Date : 07/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.152 of 2021

1. Veerappan
2. Chellammal
3. Indirani

... Petitioners/Accused No.1-3

Vs

State Rep.by,
The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
(Crime No.829/2020).

... Respondent/Complainant

For Petitioner : M/s.K.K.Samy,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.829/2020 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 147, 294(b), 324 & 506(ii) I.P.C. And Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.829 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that one Mrs.Chinnathai lodged a complaint alleging that the petitioners/accused recites filthy words, rioting, causing hurt and criminal intimidation against the defacto complainant in public place.

4.The learned counsel for the petitioners would submit that

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



the petitioners are innocent and they have been falsely implicated in this case.

5.The learned Government Advocate(Crl.side) would submit that the petitioners and the defacto complainant are street vendors. During their business, small wordy quarrel took place. There is no injuries to the defacto complainant. The petitioners 2 & 3 are women. It is a case and counter case in Cr.No.828 of 2020 registered, under Sections 294(b), 323, 427 IPC.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no injuries to the defacto complainant, 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Dindigul on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/01/2021

/ 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 NO.III,
DINDIGUL.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL
 - 3.THE INSPECTOR OF POLICE,
AMBATHURAI POLICE STATION,
DINDIGUL DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.K.K.SAMY, Advocate SR.No.158

ORDER
IN
CRL OP(MD) No.152 of 2021
Date :07/01/2021

VRN
PK/JC/SAR-II/11.01.2021 : 3P/6C