



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

Date : 09/02/2021

PRESENT

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The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.770 of 2021

1.Sundarraaj
2.Sakthivel
3.Veerappan
4.Sumathi

... Petitioners/Accused No.1 to 4

Vs

The State rep.by
The Inspector of Police,
Uppiliyapuram Police Station,
Uppiliyapuram, Trichy District.
Crime No.37/2021.

... Respondent/Complainant

For Petitioners: Mr.K.Arunraj,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.37 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324 and 506(ii) of IPC r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.37 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners said to have abused the defacto complainant by using filthy language and attacked him with hands and also threatened him with dire consequences. Hence, the present complaint.



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

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. He further submitted that due to civil dispute, the petitioners have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the injured person has already been discharged from the hospital.

6. The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition in respect of the third petitioner, since the third petitioner has been arrested and released on bail.

7. In view of the same, this criminal original petition stands dismissed as withdrawn in respect of the third petitioner.

8. Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in a wordy quarrel and the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 1, 2 and 4 with certain conditions.

9. Accordingly, the petitioners 1, 2 and 4 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 Judicial Magistrate Court, Thuraiyur, on condition that the petitioners 1, 2 and 4 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one surety 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 1, 2 and 4 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 1, 2 and 4 shall report before the respondent police as and when required for interrogation.

(c) the petitioners 1, 2 and 4 shall not tamper with evidence or witness 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 1, 2 and 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 2 and 4 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;

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