



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

Date : 04/02/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1501 of 2021

1. P.Perumal
2. P.Karunakaran
3. P.Rakkammal
4. P.Manimegalai

... Petitioners/A1 to A4

Vs

The State rep. by
The Inspector of Police,
Kalayarkoil Police Station,
Sivagangai District.
Crime No. 27 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Pakalavan.S,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324, 506(ii) and 379 (NH) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.27 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners abused the defacto complainant by using filthy language and also assaulted him and caused injuries. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal 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 it is a case in counter, earlier the petitioners have given a complaint against the de facto complainant and the same has been registered in Crime No.28 of 2021 for the offence under Sections 294(b), 323 and 506(ii) of IPC. As a counter blast, the present complaint has been filed. Hence, they seek anticipatory bail.

5. The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that it is a case in counter. He further submitted that the injured person has already been discharged from the hospital. He further submitted that the counter complaint in Crime No.28 of 2021 was closed as "Mistake of Fact" on 20.01.2021.

6. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and the injured person has already been discharged from the hospital, 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 Additional Mahila Court, Sivagangai, 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 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;

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(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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/02/2021

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/ /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 JUDGE,
ADDITIONAL MAHILA COURT,
SIVAGANGAI.
2. THE INSPECTOR OF POLICE,
KALAYARKOIL POLICE STATION,
SIVAGANGAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.1501 of 2021

Date : 04/02/2021

VSG

SRS/JC/SAR-II/09.02.2021/3P/4C