



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD).No.1893 of 2021

1.Sankaran
2.Muthukrishnan

... Petitioners/Accused 1 & 2

Vs

The State rep.by,
The Sub Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(Crime No.27/2021).

... Respondent/Complainant

For Petitioner : Mr.C.Christopher,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.27/2021 on the file of
the Respondent Police.

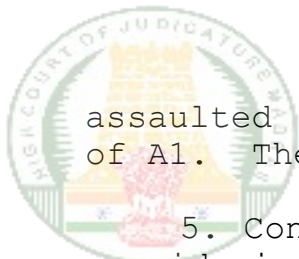
ORDER : The Court made the following order :-

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 341,
294(b) and 323 of IPC., 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.

3. The learned counsel for the petitioners submitted that A1 is
the husband of the defacto Complainant Eswari and A2 is the sister's
son of A1. Due to family dispute, the petitioners have been falsely
implicated in this case and they are nothing to do with the alleged
offence.

4. The learned Government Advocate (crl.side) appearing for the
State submitted that due to family dispute, the petitioners



assaulted the defacto complainant, who is none other than the wife of A1. The investigation is under progress.

5. Considering the facts and circumstances of the case and also considering the fact that A1 is the husband of defacto complainant and due to family dispute the petitioners attacked the defacto complainant and no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on condition that the petitioners shall execute 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 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR,
TIRUNELVELI DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
PAZHAVOR POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.C.CHRISTOPHER, Advocate SR.No.1136

ORDER

IN

CRL OP(MD) No.1893 of 2021

Date :16/02/2021

MPK

PK/JC/SAR-IV/18.02.2021 : 3P/6C