



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

Date : 25/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2594 of 2021

1. Manoj @ Manojkumar
2. R.Balakirushnan

... Petitioners/Accused No.2 & 3

Vs

The State Rep.by,
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District
Crime No.56 of 2020.

... Respondent/Complainant

For Petitioners : Mr.P.Banu Prasath,
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.56 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 427, 506(ii) of IPC and Section 4 of TNPHW Act seek anticipatory bail.

2. It is a case and counter case arising out of matrimonial discord between the defacto complainant and the first petitioner. It appears that within a year of marriage discord has cropped out between them and the first petitioner has refused to give the educational certificate of the defacto complainant for pursuing her Ph.D., On 09.03.2020 the family members of the first petitioner and the defacto complainant has indulged in quarrel, which ended in assaulting each other.



3. The learned counsel for the petitioners would submit that earlier the petitioners were granted anticipatory bail since they are unable to produce sureties, they have filed this present petition.

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4. The learned Government Advocate(Crl.Side) would submit that earlier the petitioners were granted anticipatory bail by this Court on 17.03.2020 in Crl.O.P(MD) No.4741 of 2020.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that earlier the petitioners were granted anticipatory bail and this is the second anticipatory bail petition, 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 No.III, Tirunelveli 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;

(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.

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sd/-
25/02/2021

/ /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,
TIRUNELVELI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.P.BANU PRASATH, Advocate SR.No.1538

ORDER
IN
CRL OP(MD) No.2594 of 2021
Date :25/02/2021

AAV
PK/SMA/SAR-IV/02.03.2021 : 3P/6C