



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2816 of 2021

1. S.Mariselvam
2. Sekar Alais Rajasekaran ... Petitioners/Accused No.1 & 2

Vs

State rep.by,
The Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.
(Crime No.42 of 2021..

... Respondent/Complainant

Vasudevan ... Intervener/De-facto Complainant
in Crl.Mp(MD).No.1790 in
Crl.Op(MD).No.2816 of 2021

For Petitioners: Mr.Sathish Kumar.K.,
Advocate.

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

For Intervener : Mr.K.R.Laxman
Advocate

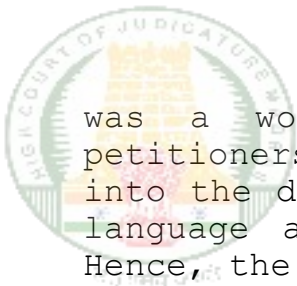
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in crime No.42 of 2021 on the
file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending
arrest at the hands of the respondent police for the offences
punishable under sections 147, 148, 294(b), 323, 324, 379(NH) and
506(ii) of IPC and Section 4 of TN Prohibition of Harassment of
Women Act, 2002, in Crime No.42 of 2021 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to dispute with
regard to posting comments in the Facebook, the first petitioner has
https://hcmca.court.gov.in/hcmca/... de-facto complainant through phone, at that time ,there



was a wordy quarrel between them. Due to that motive, the petitioners along with other accused were said to have trespassed into the defacto complainant's house and abused him by using filthy language and also assaulted him with hands and caused injuries. Hence, the present complaint.

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3. Heard the learned counsel appearing for the petitioners and the intervener/defacto complainant 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 the first petitioner and the defacto complainant belongs to AMMK political party. He further submitted that the first petitioner has filed an undertaking affidavit stating that he will not create any problem to the defacto complainant in future and seeks anticipatory bail.

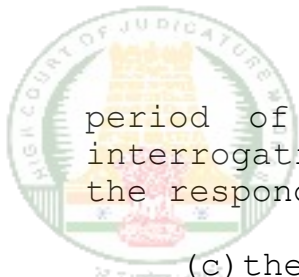
5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the first petitioner is having three previous cases. He further submitted that the injured person has already been discharged from the hospital. Hence, he opposed this petition.

6. Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital. The first petitioner has also filed an undertaking affidavit stating that he will not create any problem to the defacto complainant in future. The undertaking affidavit filed by the first petitioner is placed on record. Considering the above circumstances, 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 learned Judicial Magistrate, Paramakudi, 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 first petitioner shall stay at Rameshwaram and report
<https://hccases.hccourtstg.in/hccases/> Rameshwaram Police Station, daily at 10.30 a.m for a



period of two weeks and thereafter, as and when required for interrogation. Further, the second petitioner 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/-
05/03/2021

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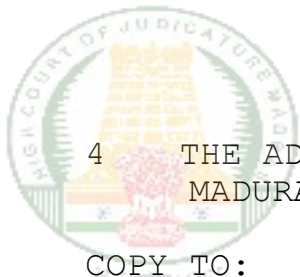
/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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,
PARAMAKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
EMANESHWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT



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

COPY TO:

THE INSPECTOR OF POLICE,
RAMESHWARAM POLICE STATION,
RAMESHWARAM.

+1. CC to M/S.K.SATHISH KUMAR Advocate SR.No.1844

ORDER

IN

CRL OP(MD) No.2816 of 2021

Date :05/03/2021

NR/VR/SAR-I (10.03.2021) 4P:7C