



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2951 of 2021

1. S.Vinothini

2. S.Thaiivamani

... Petitioners/Accused 2 & 3

Vs

The State rep.by,
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime No.79 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Venktesan.M.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail Crime No.79/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 379(NP) and 506(ii) of IPC and section 4 of TNPWH Act, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the petitioners attacked the de-facto complainant and break her neck chain and abused her with filthy languages and also caused injuries. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that there is a civil suit is pending between the parties. He would further submit that investigation is pending and hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.It is seen that first petitioner's father, Samykannu had earlier filed civil suit in O.S.No.469 of 2019 before the Principal Sub-Court, Madurai against the de-facto complainant and the same is still pending. The said Samykannu had passed away recently. Immediately, the de-facto complainant had taking advantage of the same, threatened the petitioner to withdraw the civil suit. Hence, a fight arose between them. In this regard, the first petitioner's brother had also lodged a complaint before the respondent police, but no action has been taken.

6.Considering the same, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Vadipatti, Madurai, 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.

sd/-
24/02/2021

/ TRUE COPY /

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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 JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.M.VENKATESAN. Advocate SR.No.1418

ORDER
IN
CRL OP(MD) No.2951 of 2021
Date :24/02/2021

NR/PN/SAR-III(04.03.2021) 3P:6C