



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

Date : 22/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3224 of 2021

1. Rengasamy  
2. Pommammal  
3. Thiagarajan @ Devaraj ... Petitioners/Accused No.1to3

Vs

The State rep. by  
The Inspector of Police,  
Thottiyam Police Station,  
Trichy District.  
Crime No. 102 of 2021. ... Respondent/Complainant

For Petitioners : Mr.Subash Babu M,  
Advocate.

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

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

**PRAYER :-**

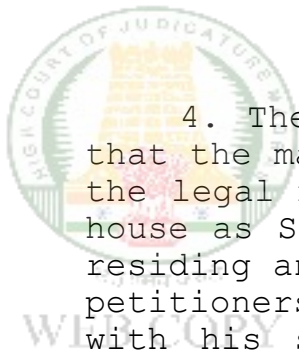
For Anticipatory Bail in Crime No.102 of 2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323,354 and 506(i) of IPC seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioners herein entered in the house of the defacto complainant,abused assaulted and also threatened with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.



4. The learned Government Advocate(Criminal Side) would submit that the marriage between the petitioners daughter and Palanisamy is the legal marriage. During the marriage the petitioners have given house as Sreedhana in which the Palanisamy and his second wife were residing and the said Palanisamy had chased his first wife. When the petitioners herein went there and found the said Palanisamy living with his second wife questioned the same, for which the defacto complainant had lodged a compliant as though they are threatened by the petitioners.

5. It is seen that the daughter of the first and second petitioners were given in marriage to one Palanichamy and during marriage the first and second petitioner had given a house property for happy living of their daughter with Palanichamy. Thereafter the said Palanichamy had chased his wife and started living with the defacto complainant in the house presented by the first and second petitioner and when the same was questioned the defacto complainant had lodged a complaint as that she is having legal possession of the property and infact she is a concubine residing in the house of the first and second petitioner. The said Palanichamy is the member of one religious group and using the same he is threatening others and a case has been foisted against the petitioners.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioners herein are victims, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

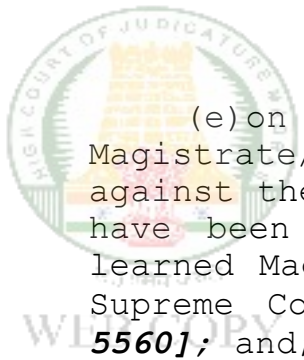
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate,Musiri on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties (common 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  
<https://hcservices.courts.gov.in/hcservices/> 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/-  
22/03/2021

/ TRUE COPY /

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

+1 CC to Mr.M.SUBASH BABU, Advocate ( SR-2401[I] dated 23/03/2021 )

ORDER  
IN  
CRL OP(MD) No.3224 of 2021  
Date :22/03/2021

AAV  
SRS/JC/26.03.2021/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>