



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

Date : 08/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3583 of 2021

1.S.Thandapani
2.S.Gandhimathi

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Inspector of Police,
Pettavaithalai Police Station,
Trichy District.
Crime No.57 of 2021.

... Respondent/Complainant

For Petitioners : Mr.K.Palmurugan, 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 in Crime No.57 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act 2002, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the petitioners and the de-facto complainant, there was wordy quarrel between them, in which, the petitioners said to have trespassed into the de-facto complainant's house and attacked the de-facto complainant and her brother with wooden log and abused her with filthy language and also caused injuries. Hence, the complaint.

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



4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that it is a counter case and the injured was discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that it is a counter case and the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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-cum-District Munsif, Srirangam, Trichy District, 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/-
08/03/2021

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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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE CUM DISTRICT MUNSIF,
SRIRANGAM, TRICHY DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PETTAVAITHALAI POLICE STATION,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3583 of 2021

Date :08/03/2021

SJI

TK/PN/SAR.2/12.03.2021/3P/5C