



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

Date : 15/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3960 of 2021

1.Karunammal
2.Sidthartha Boopathi
3.Sabarinathan

... Petitioners/Accused No.1 to 3

Vs

The State rep by,
The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
Crime No.110 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

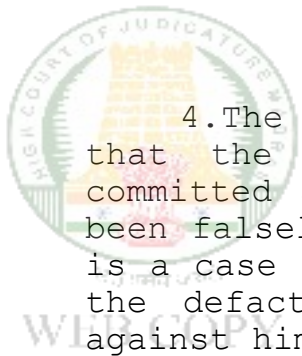
PRAYER :- For Anticipatory Bail in Crime No.110 of 2021 on the
file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3,
apprehending arrest at the hands of the respondent police for the
offences punishable under Sections 294(b), 323, 506(i), 427 and 379
(NP) of IPC, in Crime No.110 of 2021 on the file of the respondent
police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
and the first petitioner are the husband and wife. Due to family
dispute, there was a wordy quarrel between the petitioners and the
defacto complainant, in which, the petitioners said to have abused
the defacto complainant by using filthy language and also attacked
him with hands. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners 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 and they have been falsely implicated in this case. He further submitted that it is a case in counter, earlier the petitioners have been attacked by the defacto complainant and hence, they have given a complaint against him and the same was registered in Crime No.109 of 2021, for the offences punishable under Sections 341, 294(b), 323 and 506(ii) of IPC r/w 92(a) and (e) of the Rights of Persons with Disabilities Act. As a counter blast, the present complaint has been filed. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case in counter. He further submitted that due to family dispute, the occurrence said to have taken place.

6.Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and due to family dispute, the occurrence said to have taken place, 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, Palani, 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/03/2021

WEB COPY

/ 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, PALANI.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
 3. THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION, DINDIGUL DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.D.VENKATESH, Advocate SR.No.2205

ORDER
IN
CRL OP(MD) No.3960 of 2021
Date :15/03/2021

VSG
PK/JC/SAR-IV/22.03.2021 : 3P/6C