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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4525 of 2021

1. Ashok Kumar
2. Suganya

... Petitioners/Accused 1&2

Vs

The State Rep. by
The Inspector of Police,
Thiruppalai Police Station,
Madurai City.

Crime No. 297 of 2021

... Respondent/Complainant

For Petitioners : Mr.Murugappan R,
Advocate.

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

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

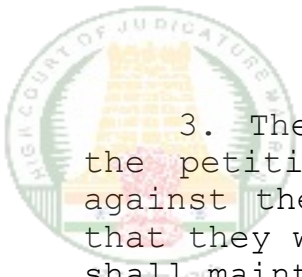
PRAYER :-

For Anticipatory Bail in Crime No.297 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323,506(ii) of IPC r/w. Section 24 of Maintenance and Welfare of parents and Senior Citizen Act, 2007 seek anticipatory bail.

2. The case of the prosecution is that on 22.01.2021 at about 10.00 am., the defacto complainant and his wife went to the house of the petitioner and demanded document at that time the second petitioner pushed down the informant wife and the first petitioner attacked the defacto complainant and also criminally intimidated him. 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. Further the petitioners have also filed an affidavit that they will not disturb the petitioners and the first petitioner shall maintain his parents.

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4. The learned Government Advocate(Crl.Side) would submit that the first petitioner is the son of the defacto complainant and he along with other accused said to have attacked the defacto complainant and threatened with dire consequences. He would also submit that the door of the house was locked was some body.

5. It is seen that the first petitioner is the son of the defacto complainant and there is no smooth relationship between them. Further the first petitioner earlier married and his wife left him due to his worst attitude and behaviour. Thereafter the first petitioner had some health issue and the second petitioner had nursed him in the house of the defacto complainant. When the defacto complainant wanted the possession of the house the petitioners herein said to have attacked the defacto complainant and threatened with dire consequences. Further the first petitioner had submitted that he had not locked the door and he had no objection in opening the door and taking the articles from the house.

6. Taking into consideration the facts and circumstances of the case 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 No.II, 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.

(g) As per the undertaking given the petitioners shall never threaten or harass the defacto complainant and the respondent police is directed to give protection and necessary help to the defacto complainant if he files any petition.

sd/-
31/03/2021

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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.

TO

1. THE JUDICIAL MAGISTRATE No.II, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPPALAI POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4525 of 2021
Date : 31/03/2021