



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/04/2021

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PRESENT

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.4904 of 2021

1. Amutha
2. Balamurugan
3. Ajith

... Petitioners/Accused No.1 to 3

Vs

State Rep.by  
The Inspector of Police,  
Yelumalai Police Station,  
Madurai.  
Crime No.20/2021.

... Respondent/Complainant

For Petitioners: M/s.Palanisamy.T.,  
Advocate.

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

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

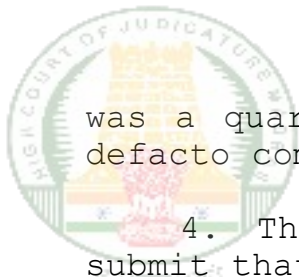
PRAYER :- For Anticipatory Bail in Crime No. 20 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 323, 324, 506(i) and 379 IPC and Section 4 of Tamil Nadu Prevention of Harassment of Women Act, in Cr.No.20 of 2021, on the file of the respondent police seek anticipatory bail.

2.Heard the learned Counsel appearing for the petitioners and the learned Government Advocate(Crl.Side) appearing for the State.

3. It is seen from the submissions that the defacto complainant is residing at the opposite side of the petitioners's house and the defacto complainant's son is a habitual drinker and on the date of occurrence ie., on 15.01.2021 at about 07.00 p.m., the defacto complainant's son came to his house in a drunken mood and quarrelled with the defacto complainant and his family members by using filthy language and when the same was questioned by the petitioners, there



was a quarrel arose between them and the petitioners attacked the defacto complainant by their hands.

4. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they did not commit any offence and the injured has also been discharged from the hospital.

5. The learned Government Advocate (Crl.Side) would submit that the injured has already been discharged from the hospital and the investigation is going on.

6. Considering the facts and circumstances of the case and considering the fact that the injured has already been discharged from the hospital, 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, Usilampatti, 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 first petitioner shall report before the respondent police as and when required for interrogation and the petitioners 2 and 3 shall report before the respondent police daily at 10.00a.m., until further orders;

(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/-  
08/04/2021

/ TRUE COPY /

WEB 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 NO.II, USILAMPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,  
YELUMALAI POLICE STATION,  
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.T.PALANISAMY, Advocate ( SR-3007[I] dated 09/04/2021 )

ORDER  
IN  
CRL OP(MD) No.4904 of 2021  
Date :08/04/2021

SSL  
MS/PN/SAR-3/16.04.2021/3P.6C