



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.4982 of 2021

1. Balaganesan
2. Murugesan
3. Indira

... Petitioners/Accused No.2, 3 & 5

Vs

State Rep.by
The Inspector of Police,
Kottaipattinam Police Station,
Pudukottai District.

Cr No. 90/2021.

... Respondent/Complainant

For Petitioners: Mr.Lenin Kumar.T.,
Advocate.

For Respondent : Mr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :- For anticipatory bail in Crime No. 90 Of 2021 on
the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.2, 3 and 5, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 294(b), 354, 323, 324, 379 and 506(ii) of IPC, and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.90 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband is a lessee. On the date of occurrence, the defacto complainant's husband went to pay lease amount, at that time, there was a wordy quarrel arose between the petitioners and the defacto complainant, in which, the petitioners said to have attacked the defacto complainant's husband with hands and threatened him with dire consequences. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case and that a case in counter has been registered in Crime No.89 of 2021 against the defacto complainant. Hence, he prayed for grant of



anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the injured person has been discharged from the hospital and that there is no previous case against the petitioners.

5.It is seen from allegation made in the complaint that due to dispute with regard to lease amount, there was a wordy quarrel arose between two groups. In the fight, both the petitioners as well as the defacto complainant got simple injury and the injured person has been discharged from the hospital. A1 and A4 were arrested and released on bail.

6.Considering the facts and circumstances of the case and also considering the fact that except the offence under Sections 379 and 506(ii) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, all other offences are bailable in nature and the fact that the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Aranthangi, within a period of fifteen days from the date of receipt of a copy of this order, on their executing 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 said Magistrate 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 daily at 10.30 a.m for a period of two weeks and thereafter 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]**.



[f] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/04/2021

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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
ARANTHANGI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI
- 3 THE INSPECTOR OF POLICE
KOTTAIPATTINAM POLICE STATION,
PUDUKOTTAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.LENIN KUMAR.T. Advocate SR.No.2945

ORDER

IN

CRL OP(MD) No.4982 of 2021

Date :07/04/2021

SMA/PN/SAR-2/19.04.2021 : 3P/6C