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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5008 of 2021

1. Sahayam @ Sahayaraj
2. Therasal
3. Lilly Mary Alia Lilly Pushpam,
4. Sabari Alias Savuri Raj
5. Sahayamary ... Petitioners/Accused 1 to 5

Vs

State represented by
The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
Cr No. 39/2021. ... Respondent/Complainant

For Petitioner : M/s.Muralaikumar.A.,
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. 39/2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A.1 to A.5 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 355 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Cr.No.39 of 2021, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the defacto complainant and the petitioners in connection with drawinig water in the public water tap and they beat the defacto complainant by broom stick. Hence, the present complainant has been registered.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the injured has already been discharged from the hospital.

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4. The learned Government Advocate(Crl.Side) would submit that it is a case and counter case and based on the complaint given by the petitioners, a criminal case has been registered in Cr.No.40 of 2021, against the defacto complainant. He would also submit that the injured was also already discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 District Munsif cum Judicial Magistrate, Karaikudi, 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 1 and 4 shall report before the respondent police daily at 10.00 a.m., until further orders and the petitioners 2, 3 and 5 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**



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
3. THE INSPECTOR OF POLICE,
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.A.MURALIKUMAR, Advocate (SR-3077[I] dated 09/04/2021)

ORDER
IN
CRL OP(MD) No.5008 of 2021

Date : 08/04/2021

VB/SMA/SAR-III (16/04/2021) 3P / 6C