



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5180 of 2021

1. Selvi
2. Pradeepan
3. Prasannadevi

... Petitioners/Accused 1 to 3

Vs

The State Rep. by
The Inspector of Police,
Checkanurani Police Station,
Madurai District
Crime No.106/2021.

... Respondent/Complainant

Venkatesh Prasanna

... Petitioner/Intervener/
Defacto Complainant
in CRL MP(MD)No.3420/2021
in CRL OP(MD)No.5180/2021

For Petitioners : Mr.Mahendrapathy.S.,
Advocate.
For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)
For Intervener : Mr.R.Narayanan, Advocate

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

PRAYER:-

For Anticipatory Bail in Crime No. 106 of 2021 on the file of the respondent Police.

ORDER: The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 323, 324 and 506 (ii) of IPC in Crime No.106 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners, learned counsel for the intervener and the learned Government Advocate (Criminal Side) for the respondent police.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

4.The learned counsel for the intervener submitted that the defacto complainant suffered serious injuries and therefore, he opposes this petition.

5.When the matter was taken up for hearing on the last occasion, the learned counsel for the intervener made the same representation and he was directed to produce medical records to show that the defacto complainant suffered grievous injuries. Even today, he is not able to produce any medical record that the defacto complainant suffered grievous injuries.

6.The learned Government Advocate (criminal side), on instructions, submitted that the injured has been discharged from the hospital.

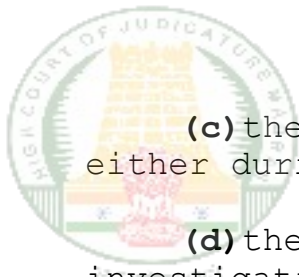
7.It is seen from the submissions made that the defacto complainant held the marriage between his brother, Rajadurai and with one Prasannadevi. On several occasions, there were disputes between the married couple and Prasanna Devi left her matrimonial home 20 days prior to the incident. On 01.04.2021, at about 10.00 a.m., when the defacto complainant was working in Hari Indane Gas Company Godown, the accused said to have attacked with iron rod stating that he was responsible for his brother picking up quarrel with his wife. Due to which, the defacto complainant suffered injury. Hence, the complaint.

8.Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.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 No.II, Usilampatti and 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 learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

(b) the petitioners shall report before the respondent police, daily, at 10.30 a.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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/04/2021

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

ORDER
IN
CRL OP(MD) No.5180 of 2021
Date : 29/04/2021