



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD) . No.5325 of 2021

WEB COPY

1. Petchipandiyan
2. Ganesan

... Petitioners/Accused Nos.1 & 2

Vs

State rep by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
Cr.No. 231 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Prabu.M,
Advocate.

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

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

PRAYER :-

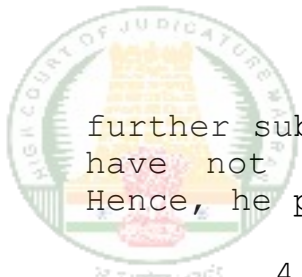
For Anticipatory Bail in Crime No.231 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 109, 147, 148, 447, 294 (b), 427 and 506(ii) of IPC, in Crime No.231 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son namely, Muthu Prakash had love affair with one Rajalakshmi, who is the daughter of the second petitioner herein. Subsequently, the petitioners had arranged marriage to the said Rajalakshmi, but the said marriage was stopped. Therefore, on 03.04.2021, at about 07.30 p.m, the petitioners came to the defacto complainant's hotel and abused him by using filthy language and threatened him with Aruval and also caused damage to the hotel materials, TV and Chair worth about Rs.1,00,000/-. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case for the reason that the second petitioner refused to give his daughter in marriage to the son of the defacto complainant. He



further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police conceded that no one sustained injury in the occurrence. However, the petitioners said to have caused damage to the hotel materials, TV and Chair worth about Rs.1,00,000/-.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

6.It is seen from the submission made that the son of the defacto complainant and the daughter of the second petitioner have been loving each other for the past five years. The petitioners refused to conduct marriage for the reason that both belonged to different community. Therefore, the marriage was arranged for the daughter of the second petitioner with some other person, later it was stopped for the reason that she had love affair with the son of the defacto complainant. Due to which, on 03.04.2021, at about 07.30 p.m at the instigation of the second petitioner herein, the petitioners along with other accused persons came to the defacto complainant's hotel and threatened the defacto complainant with Aruval and also caused damage to the hotel materials, TV and Chair worth about Rs.1,00,000/-.

7.Considering the facts and circumstances of the case and the fact that the occurrence had happened, due to love affair between the son of the defacto complainant and daughter of the second petitioner and that no one sustained injury in the occurrence, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, the petitioners are directed to jointly deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.231 of 2021 within a period of two weeks from the date of receipt of a copy of this order without prejudice to his rights and contentions before the concerned Magistrate. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, 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/-

16.04.2021

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

vsg

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.I, KOVILPATTI,
THOOTHUKUDI DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.5325 of 2021

Date : 16/04/2021