



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.5353 of 2021

1. Arun Jerold @ Arun
2. Ganesan

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
South Police Station,
Thoothukudi,
Thoothukudi District.
Crime No.252/2021.

... Respondent/Complainant

For Petitioners: Mr.M.Mandhiralingeswaran,
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. 252 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 147, 448, 294(b), 323 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition Women Harassment Act, 2002, in Crime No.252 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On the date of occurrence, the petitioners said to have illegally trespassed into the defacto complainant's house and abused him and also criminally intimidated him. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He



further submitted that the co-accused has already been granted anticipatory bail by this Court in Crl.O.P.(MD).No.5125 of 2021, dated 08.04.2021. 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 has been discharged from the hospital and that there is no previous case against the petitioners.

5.It is seen from the submission that the petitioners and the defacto complainant are neighbours. On the date of occurrence, the petitioners are said to have illegally trespassed into the defacto complainant's house and abused him and also criminally intimidated him. The co-accused has already been granted anticipatory bail by this Court in Crl.O.P.(MD).No.5125 of 2021, dated 08.04.2021.

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

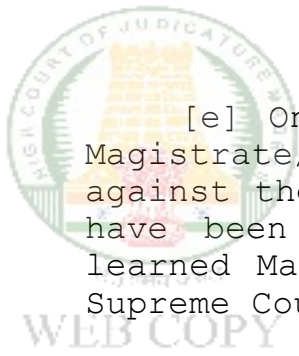
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Judicial Magistrate Court No.I, Thoothukudi, Thoothukudi District, within a period of fifteen days from the date of receipt of a copy of this order, on their executing a bond for 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

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

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-3135[I] dated 16/04/2021)

ORDER
IN
CRL OP(MD) No.5353 of 2021
Date :16/04/2021

VSG
MS/VR/SAR-3/22.04.2021/3P.6C