



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5567 of 2021

1. Andi
2. Revathi
3. Muruganandaboopathi
4. Kannan
5. Saravanan

... Petitioners/Accused 1 to 5

Vs

State represented through
The Inspector of Police,
Rameswaram Town Police Station
Rameswaram, Ramanathapuram District.
Crime No.105 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Ashok.S.,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

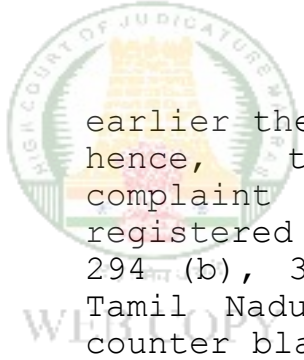
To Anticipatory Bail in Crime No.105 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147,
294(b), 323 IPC r/w, Section 4 of Tamil Nadu Prohibition of Women
Harassment Act, in Crime No.105 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute,
the petitioners herein along with other accused said to have abused
the defacto complainant, assaulted him and also threatened him with
dire consequences.

3. The learned counsel for the petitioners would submit that
<https://hcservices.ecourts.gov.in/hcservices/>
the petitioners are innocent and a false case has been foisted
against them. He further submitted that it is a case in counter,



earlier the petitioners were attacked by the defacto complainant and hence, the second petitioner herein / Revathi has given a complaint against the defacto complainant and the same was registered in Crime No.104 of 2021, for the offence under sections 294 (b), 324, 427, 448 and 506 (ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. As a counter blast, the present complaint has been filed. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case in counter. He further submitted that the injured person has already been discharged from the hospital.

5. It is seen from the submissions made that there is a property dispute between the petitioners and the defacto complainant. The defacto complainant and the petitioners are relatives. Considering the fact that it is a case in counter and the injured person has already been 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 Judicial Magistrate, Rameswaram, Ramanathapuram District 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:

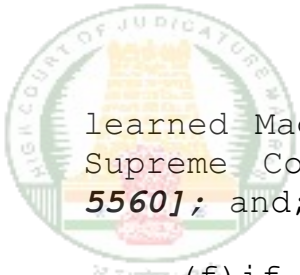
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 1 and 2, being women, shall report before the respondent police as and when required for interrogation and the petitioners 3 to 5 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]**; and;

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

sd/-
19.04.2021

/ TRUE COPY /

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

LS

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

+1 CC to M/s.S.ASHOK, Advocate (SR-3219[I] dated 20/04/2021)

ORDER
IN
CRL OP(MD) No.5567 of 2021
Date : 19/04/2021

VB/PN/SAR-II (22/04/2021) 3P / 6c