



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5548 of 2021

1. Karthick @ Ilancheliyan
2. Kishore
3. Malar Vizhi
4. Surya @ Surya Prasath ... Petitioners/Accused 1 to 4

Vs

State rep by
The Inspector of Police,
Pettavaithalai Police Station,
Trichy District.
(Crime No.95/2021). ... Respondent/Complainant

For Petitioners : M/s.Suresh.M.,
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.95/2021 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 alleged offences punishable under Sections 294(b), 323, 324, 506(i) I.P.C and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.95 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 03.04.2021, the petitioners scolded the defacto complainant using filthy language and attacked the defacto complainant and also threatened her with dire consequences.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that it is a case in counter. Earlier the petitioners were attacked by the defacto complainant and hence, one of the petitioners has given a complaint against the defacto complainant and the same was registered in Crime No.94 of 2021, for the offence under Sections 294(b), 323, 324 and 506(i) I.P.C. 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.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the respondent.

6.It is seen from the submissions made that due to previous enmity, the petitioners and the defacto complainant attacked each other and got injured. Considering the nature of occurrence and also 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.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on 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, Srirangam, Trichy 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 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 third petitioner, being a lady, shall report before respondent police as and when required for interrogation and the other petitioners / petitioners 1, 2 and 4 shall report before respondent police daily at 10.30 am., 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.

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[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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19.04.2021

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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,
SRIRANGAM, TRICHY DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
3. THE INSPECTOR OF POLICE,
PETTAVAITHALAI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.5548 of 2021
Date : 19/04/2021