



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

Date : 21/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5696 of 2021

1. L.Arockia Raja ... 1st Petitioners/1st Accused

2. S.Loorthusamy ... 2nd Petitioner/3rd Accused

Vs

State Rep. by
The Inspector of Police,
Kalayarkoil Police Station,
Sivagangai,
Tamilnadu - 630 551.
(Crime No.141 of 2021).

... Respondent/Complainant

For Petitioners: Mr.Rajesh Kumar.R.,
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.141 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 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 352 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.141 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 relatives. On 06.04.2021, at about 10.30 a.m the petitioners and other accused persons came to the defacto complainant's house with deadly weapons and attacked the defacto complainant. At that time, the first petitioner removed the saree of the defacto complainant in a public place and criminally intimidated her and escaped from the scene of occurrence. Hence, the petitioners are liable to be held responsible for the offence.

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

4. 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. He further submitted that a case in counter has been registered against the defacto complainant. As a counter blast, the petitioners have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the serious allegation against the first petitioner is that he removed the saree of the defacto complainant in a public place.

6. Considering the serious allegation against the first petitioner is that he removed the saree of the defacto complainant in a public place, this Court is not inclined to grant anticipatory bail to the first petitioner.

7. In view of the same, this criminal Original Petition stands dismissed in respect of the first petitioner.

8. Considering the facts and circumstances of the case and also considering the fact that except wordy quarrel, there is no other serious allegation against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

9. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Sivagangai, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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 second petitioner 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 second petitioner 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 second petitioner shall not tamper with evidence or witness either during investigation or trial;



(d)the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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/ second petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/04/2021

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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.1, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
KALAYARKOIL POLICE STATION,
SIVAGANGAI, TAMILNADU - 630 551.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.RAJESH KUMAR, Advocate (SR-3326[I] dated 23/04/2021)

ORDER

IN

CRL OP(MD) No.5696 of 2021

Date :21/04/2021

vsg

JM/VR/SAR IV/03.05.2021/3P/6C

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