



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.07.2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.6143 of 2021

1.Muneeswaran

2.Vellaiyan @ Vanaraj

... Petitioners/Accused No.5&6

Vs

State Represented by,
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
Crime No.146/2021

... Respondent/Complainant

For Petitioners : Mr.S.Poornachandran

For Respondent : Mr.M.Muthumanikkam,

Counsel for Government of TamilNadu
(Criminal Side)

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

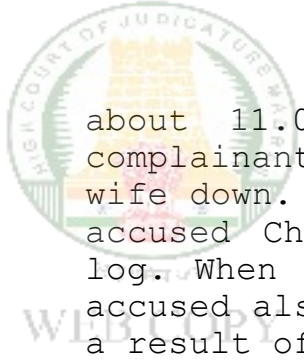
PRAYER :-

For Anticipatory Bail in Crime no.146 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 alleged offences punishable under Sections 147, 294(b), 323, 324 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.146 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was a Festival in Sandhana Mariyamman Temple. On 29.03.2021, at about 09.00 am, there was a procession, in which, one Jeyaraman was dancing and the said Jeyaraman forced the defacto complainant to dance. When the defacto complainant refused to dance, he snatched 21/4 sovereign chain of the defacto complainant. Then, on the same day evening, when the defacto complainant was in his house, the accused had gone there and scolded him in filthy language. Once again, on the same day, at



about 11.00 pm, Jeyaraman and 10 others went to the defacto complainant's house and banged the door of his house and pushed his wife down. When the defacto complainant tried to lift his wife, the accused Chiruthai hit the defacto complainant's head with wooden log. When the defacto complainant's mother tried to intervene, the accused also hit her. They also pushed his father and wife down, as a result of which, they suffered injuries. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are falsely implicated in this case. He further submitted that co-accused A1, A2, A4 and A7 have been granted anticipatory bail in Cr.M.P.No.2874 of 2021, dated 19.04.2021. Therefore, he seeks anticipatory bail for the petitioners.

4.The learned Counsel for the Government of Tamil Nadu (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is still pending. However, he conceded that the co-accused have been granted anticipatory bail.

5.Considering the nature of the incident and the fact that the co-accused have been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 Judicial Magistrate, Sivagiri 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 petitioners shall report before respondent police daily at 10.30 am., until further orders.

[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

<https://hcservices.ecourts.gov.in/hcservices/>



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/-
01/07/2021

/ 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, SIVAGIRI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6143 of 2021
Date :01/07/2021

MBI
TE/PN/SAR-III : 05/07/2021 : 3P/5C