



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/06/2021

PRESENT

The Hon'ble Mr.Justice N.ANAND VENKATESH

CRL OP (MD).No.6301 of 2021

1. Kamaraj
2. Muthukumaran
3. Gowri
4. Valarmathi
5. Susila

... Petitioners/Accused
(Rank not known)

Vs

The State Rep. by
The Inspector of Police,
Mannachanallur Police Station,
Trichy District.
(Crime No.193 of 2021).

... Respondent/Complainant

For Petitioners: Mr.Lenin Kumar.T.,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.193 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A5, A2, A1, A4 and A3 respectively, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294 (b), 323, 506 (ii) of IPC r/w Section 4 of the Prohibition of Harassment of Women Act in Crime No.193 of 2021 on the file of the respondent police, and seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the tenant under the first petitioner is said to have given a complaint to the effect that he was assaulted and abused in filthy language by the petitioners.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

4. The learned Additional Public Prosecutor, appearing on behalf of the respondent police submitted that the injured has been discharged from the hospital and there are no previous cases pending against the petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

6. Considering the above facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital and there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties (common sureties for all the petitioners) each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate No.III, Trichy, and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties (common sureties for all the petitioners) each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

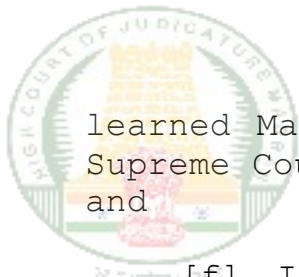
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/06/2021

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

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-3773[I] dated 02/06/2021)

ORDER
IN
CRL OP(MD) No.6301 of 2021
Date :01/06/2021

SM
TE/VR/SAR-I : 04/06/2021 : 3P/6C