



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6375 of 2021

WEB COPY

1.Mr.K.Ayyappan,
2.R.Kannan,
3.K.Usha

... Petitioners/Accused
Nos.1 to 3

Vs.

State rep by
The Inspector of Police,
Vilakuthoon Police Station,
Madurai City.
Cr.No.160 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Karuppasamy Pandiyan.G,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.M.Mohan Gandhi

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

PRAYER :-

For Anticipatory Bail in Crime No.160 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3,
apprehending arrest at the hands of the respondent police for the
alleged offences punishable under sections 323, 294(b) and 506(i)
IPC, in Crime No.160 of 2021 on the file of the respondent police,
seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial
dispute between the first petitioner and the defacto complainant,
the petitioners said to have attacked the defacto complainant and
scolded her with filthy language and also threatened her. Hence, the
complaint.

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 they have
been falsely implicated in this case. Hence, he prayed for grant of
anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for
the respondent police submitted that the injured person has already
been discharged from the hospital.



5. Heard Mr.S.M.Mohan Gandhi, learned counsel for the intervenor/defacto complainant.

6. Considering the facts and circumstances of the case and also considering the fact that except the offence under Section 506 (i) IPC, all other offences are bailable in nature and the fact that 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 before the learned Judicial Magistrate No.1, Madurai, within a period of fifteen days from the date of receipt of a copy of this order, on their executing 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 said Magistrate 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 the respondent police every Monday at 10.30 a.m. 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;

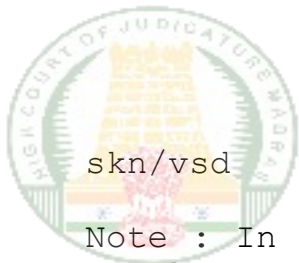
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05.05.2021

/ TRUE COPY /

/ /2021



skn/vsd

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

ORDER
IN
CRL OP(MD) No.6375 of 2021
Date : 05/05/2021

VB VR SAR IV(17/05/2021) 3P / 5c