



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

Thursday, the Sixth day of May Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6508 of 2021

1. Divya Lakshmi
2. Sivasubramanian ... Petitioners/Accused 3 & 5

Vs

State Rep.by
The Inspector of Police,
Manachanallur Police Station,
Trichy District.
Crime No.190 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Azagarsami.Ak., Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr. No.190/2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/accused 3 & 5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 447, 294(b), 323, 506(ii) I.P.C and Section 4 of the Tamil Nadu Women Harassment Act, in Crime No.190 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3.The case of the prosecution is that due to civil dispute, the petitioners abused the defacto complainant by bad words and beaten by hand and also criminally intimidated her. Hence the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case and that the injured has been discharged from the hospital.



5. The learned Government Advocate (Crl.Side) would submit that the the injuries are simple in nature and the injured has been discharged from the hospital. He would further submit that there is no previous case pending against the petitioners.

6. Considering the facts and circumstances of the case, the fact that the injured has been discharged from the hospital and the fact that except 506 (ii) of IPC, other offences are bailable offences, 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Trichy and 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 learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

(b) the petitioners shall report before the respondent police on 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;

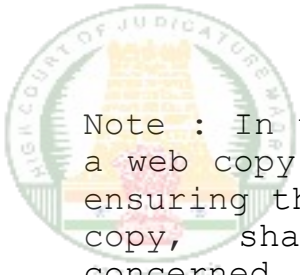
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid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

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/05/2021

/ 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.

WEB COPY

TO

- 1 THE ADDITIONAL MAHILA COURT, TRICHY.
- 2 THE INSPECTOR OF POLICE
MANACHANALLUR POLICE STATION, TRICHY DISTRICT.
- 3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6508 of 2021
Date :06/05/2021

MSA/RMI
CSL/AKM/SAR I/18.05.2021 : 3P/4C