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

Date : 12/05/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.6584 of 2021

1. M.Petchiammal
2. M.Ponraj
3. M.Murali @ M.Muraliraja
4. M.Muthu Kumar ... Petitioners/Accused No.1 to 4

Vs

State Through,
The Sub Inspector of Police,
Palavur Police Station,
Tirunelveli District.
Cr.No. 117 of 2021. ... Respondent/Complainant

For Petitioners : Mr.M.Suresh, Advocate for
Mr.J.Jeyakumaran, Advocate

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.117 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 294(b), 323, 324, 342 and 506(2) of IPC and Section 4 of Women Harassment Act in Crime No.117 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and his relatives have trespassed into the petitioners' house and at that time, the petitioners have attacked them with wooden logs and iron rod.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

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4.The learned Government Advocate submitted that the dispute is a family dispute. He further submitted that the injured are discharged from the Hospital on 08.05.2021 and raised no serious objection in allowing this application.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondent.

6.It is seen from the submissions made that the injured are discharged from the Hospital and in view of the same, this Court is inclined to grant anticipatory bail to the petitioners.

7.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, Valliyur, Tirunelveli on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees fifty 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 appear before the respondent police as and when required.

[c]the petitioners are directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) each to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[d]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.

[f]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].

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[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/05/2021

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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, VALLIYUR,
TIRUNELVELI DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE SUB INSPECTOR OF POLICE,
PALAVUR POLICE STATION, TIRUNELVELI DISTRICT.

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

COPY TO : THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9

ORDER
IN
CRL OP(MD) No.6584 of 2021
Date :12/05/2021

MBI/VRN
PK/AKM/SAR-IV/20.05.2021 : 3P/6C

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