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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.6617 of 2021

1. Sermaraj
2. Sivabalan
3. Annathai
4. Thangaselvi
5. Rajammal @ Mary

... Petitioners/Accused No.1 to 5

Vs

The State Rep. by
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
Crime No. 73 of 2021

... Respondent/Complainant

For Petitioners : Mr.Haroon Rasheed D.S.,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.73 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, 148, 294(b), 323, 324, 436, 427, 379 IPC and Section 4 of TNPWH Act in Crime No.73 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the third petitioners are sisters and the defacto complainant filed a suit for partition in O.S.No.9 of 2021 on the file of the learned District Munsif, Sathankulam and the same is pending. Due to that motive, the petitioners wrongfully restrained the defacto complainant and abused her in filthy language and also damaged the house hold articles. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons. He further submitted that earlier the petitioners gave a complaint against the defacto complainant, which was registered in Cr.No.72 of 2021 for the offence under Sections 294(b), 323, 341, 324 and 506(ii) IPC. As a counter blast, the present false case has been foisted against the petitioners. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the injured person has been treated as out-patient.

5.Considering the facts and circumstances of the case and also considering the fact that the injured person has been treated as out-patient, 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, Sathankulam, Thoothukudi District on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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 are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only)each to the credit of Indian Overseas Bank, 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.

[c]the petitioners shall report before respondent police as and when required for interrogation.

[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]**.

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

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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,
SATHAKULAM,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THOOTHUKUDI 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.6617 of 2021
Date :12/05/2021