



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

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PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7030 of 2021

1. Alex @ Alexpandian
2. Bakiyaraj @ Packiyaraj ... Petitioners/Accused Nos.1 & 2

Vs

State Rep. by
The Inspector of Police,
Kattuputhur Police Station,
Kattuputhur, Trichy District.
Crime No.132 of 2021. ... Respondent/Complainant

For Petitioner : Mr.Arunraj.K,
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.132 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506(i) of I.P.C., r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.132 of 2021 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that the defacto complainant's mother is working as scavenger in the panchayat. When she was cleaning the street, there was a wordy quarrel between the petitioners and the defacto complainant's mother. Hence, the



4.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, he seeks anticipatory bail.

5.The learned Additional Public Prosecutor, on instructions, would submit that the injured has been discharged from the hospital.

6.Considering the facts and circumstances of the case and considering the fact that except 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, all other offences are bailable in nature and also considering the impact of Covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioners at this point of time is not necessary and not warranted in the interest of public at large, hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7.The petitioners shall be released in the event of arrest by the respondent police or on their surrender before the learned Judicial Magistrate, Musiri, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate and on further conditions that:

[a] 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 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]**.



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

sd/-
26/05/2021

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

ORDER
IN
CRL OP(MD) No.7030 of 2021
Date :26/05/2021

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JM/VR/SAR I/31.05.2021/3P/5C