



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.7364 of 2021

1. Manikandan
2. Arunachalam
3. Saraswathi
4. Parmeswari

... Petitioners/Accused Nos.1 to 4

Vs

The State Represented by its
The Inspector of Police,
Mayanoor Police Station,
Karur District.
Crime No.201/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Gokulraj,
Advocate.

For Respondent : Mr.M.Muthu Manickam.,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.201 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), 324, 506(ii) of IPC r/w Section 4 of Tamil Nadu prohibition of Harassment of Woman Act, 1988, in Crime No.201 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and defacto complainant are husband and wife. Due to the matrimonial dispute, the defacto complainant left her matrimonial house and living with her parents home. On 21.04.2021 at about 12.00 Noon, when the defacto complainant along with her parents went to the first petitioner's house situated at Veerarakkiyam for taking her house hold articles, there was a wordy quarrel arose between the petitioners and the defacto complainant where the petitioners attacked the defacto complainant and her mother by using wooden log



and abused them with filthy language and also threatened her with dire consequences. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal side) appearing for the State, on instructions, would submit that the injured discharged from the hospital. However, he raised objections for grant of anticipatory bail to the petitioners by saying that the investigation is still pending.

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

6.Taking into consideration the facts and circumstances of the case and also the fact that the injured has 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 by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned District Munsif Cum Judicial Magistrate, Krishnarayapuram, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of 15 days, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation. On such execution of bond before the concerned Magistrate, the own bond executed before the respondent Police shall stand cancelled automatically.

(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 1 and 2 shall report before respondent police daily at 10.30 am., until further orders. The petitioners 3 and 4 shall report before the respondent police as and when required for interrogation.

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
09/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KRISHNANARAYANAPURAM, KARUR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MAYANOR POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-3906[I] dated 10/06/2021)

ORDER
IN
CRL OP(MD) No.7364 of 2021
Date : 09/06/2021