



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2021

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.7737 of 2021

1. Peesukutti @ Muniyasamy
2. Prakash

... Petitioners/A-2 & 3

Vs

The State Rep.by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
Cr.No.117 of 2021

... Respondent/Complainant

For Petitioners : Mr.Rameshkumar D, Advocate.

For Respondent : Mr.R.M.S. Sethuraman,
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/A-2 & A-3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.117 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, these petitioners along with other accused persons abused the defacto complainant and her husband by using filthy language and also made life threat to her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays for grant anticipatory bail to these petitioners.



4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is a second anticipatory bail petition and earlier petition was dismissed by this Court on 05.05.2021.

5. Considering the facts and circumstances of the case and though first anticipatory bail petition dismissed till now they were not arrested by the respondent police and also the fact that except 506(ii) of IPC, all other offences are bailable offences, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of surrender 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 No.II, Ramanathapuram on condition that the petitioners shall execute 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 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 report before the respondent police, daily at 10.30 a.m., for a period of 30 days;

[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]**;

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

sd/-
21/06/2021

/ TRUE COPY /

/ /2021



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 No.II, RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.7737 of 2021
Date :21/06/2021

KSA
TE/MNR/SAR-III : 23/06/2021 : 3P/5C