



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

Date : 29/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8111 of 2021

1.Ezhil Rani
2.Anushya

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Inspector of Police,
Sawyerpuram Police Station,
Sawyerpuram, Thoothukudi District.
Crime No.98 of 2021.

... Respondent/Complainant

K.Murugalakshmi

...Petitioner/Third Party &
Defacto Complainant
IN CRL MP(MD)No.4358 of 2021
IN CRL OP(MD)No.8111 of 2021

For Petitioner : Mr.P.M.Vishnuvarthanan, Advocate.

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

For Intervenor : Mr.N.Pragalathan, Advocate

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

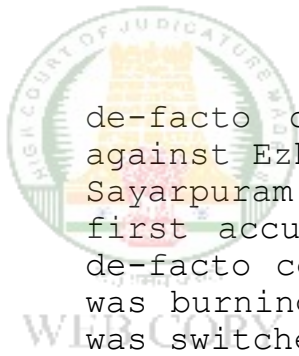
PRAYER :-

For Anticipatory Bail in Cr.No.98 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 435, 436 and 506(2) of IPC., in Crime No.98 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's husband died 22 years back. The first accused was talking ill of the de-facto complainant linking her with the husband of the first accused. She had also frequently quarrelled with the



de-facto complainant. The de-facto complainant gave a complaint against Ezhilrani and Rabin in connection with damaging her house at Sayarpuram Police Station. From the date of giving complaint, the first accused and her family members developed enmity against the de-facto complainant. On 07.05.2021 at about 11.30 p.m., her house was burning. When tried to switch on the light, she found the main was switched off. When she saw through the window, a person aged 25 years was running and two ladies were standing outside. One lady has stated that the de-facto complainant's house was burnt with de-facto complainant and therefore, there will be no problem hereafter. She found from the voice that the first accused was lady, who was standing outside and speaking. The value of the damage caused is Rs.10,000/-. Suspecting the accused, the de-facto complainant gave a complaint against these petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that there is already previous enmity between both of them. Therefore, this case is falsely given against the petitioners.

4.The learned counsel appearing for the intervenor opposed this petition on the ground that the petitioners especially, the first petitioner and Rabin had already caused trouble to the complainant and there is a previous criminal case pending against them. He further submitted that the petitioners had already tried to kill her two times and seriously apprehends threat to her life at the hands of the petitioners. He further submitted that the damage caused to the house from the door is Rs.10,000/-.

5.The learned Government Advocate (Crl.side) for the respondent opposed this petition on the ground that investigation in this case is pending.

6.It is seen from the submissions made in the First Information Report that both parties were at loggerheads and there are cases earlier registered on the basis of the complaint. It is seen from the First Information Report that the petitioners identified only the voice of the first accused and there is no clear mention that she has actually seen the accused at the time of commission of offence. The case rests on circumstantial evidence. Therefore this Court is inclined to grant anticipatory bail to the petitioners with conditions.

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 Court No.I, Thoothukudi, 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 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 jointly directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.98 of 2021 before the learned Judicial Magistrate Court No.I, Thoothukudi**, within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[c] the learned Judicial Magistrate Court No.I, Thoothukudi is directed to pass appropriate orders with regard to the disbursing of the amount at the time of final disposal of the case including granting compensation of the de-facto complainant;

[d] the petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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]**;

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

sd/-
29/06/2021

/ TRUE COPY /

/ /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 No.I,
THOOTHUKUDI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE,
SAWYERPURAM POLICE STATION,
SAWYERPURAM, THOOTHUKUDI DISTRICT.

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

+1. CC to Mr.P.M.VISHNUVARTHANAN Advocate SR.No.20537(F)

ORDER

IN

CRL OP(MD) No.8111 of 2021

Date : 29/06/2021

SJI

TK/JC/SAR.4/06.07.2021/4P/6C