



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).Nos.8151 and 8173 of 2021

1. Muniyasamy

2. Selvakumar

3. Balachandar @ Arivu

4. Radha

... Petitioners/Rank not Known
in Crl.O.P.(D)No.8151 of 2021

R.Srinivasan @ Soorya

... Petitioner/Sole Accused
in Crl.O.P.(D)No.8173 of 2021

Vs

State rep by
The Inspector of Police,
Kandavaryanpatti Police Station,
Sivagangai District.
(Crime No.50 & 51 of 2021).

... Respondent/Complainant
in both Crl.OPs

For Petitioners : Mr.Kameswaran.S.,
Advocate.
(in Crl.O.P.(MD)No.8151 of 2021)

For Petitioner : Mr.Kishok Kumar V.S.,
Advocate.
(in Crl.O.P.(MD)No.8173 of 2021)

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.50 and 51 of 2021 on the file
of the respondent police.



COMMON ORDER : The Court made the following order :-

The petitioners in Crl.O.P.(MD)No.8151 of 2021, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 427 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.50 of 2021 seek anticipatory bail.

2.The petitioner in Crl.O.P.(MD)No.8173 of 2021, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 427, 294(b), 324, and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.51 of 2021, seeks anticipatory bail.

3.The case of the prosecution in Crime No.50 of 2021 is that on 16.06.2021, at about 05.00 p.m., when the defacto complainant was near her house, she saw the accused consuming alcohol near her house. When she questioned that why they were consuming alcohol near her house, the accused said to have attacked her with iron rod. When one Aminishandh questioned them, the accused using filthy language attacked him also. At that time, one Radha came there, scolded her and attacked her with wooden log and also criminally intimidated her. Therefore, this case came to be registered.

4.The case of the prosecution in Crime No.51 of 2021 is that on 16.06.2021, at about 05.00 p.m., one Ravichandran's son Suriya @ Seenivasan had damaged refrigerator, scolded her and attacked the defacto complainant with his hands. When she was going to give a complaint to the police, he again attacked her with wooden log and criminally intimidated her and he has also taken her grandson's two wheeler bearing Registration No.TN-63-BF-0660. Therefore, this case came to be registered.

5.The learned counsel for the petitioners in both the cases submitted that the parties are relatives and they fought with each other. As a result of fight, some persons suffered injuries. They further submitted that the injured had been discharged from the hospital and therefore, they seek anticipatory bail.

6.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he conceded that the injured in both the cases had been discharged from the hospital.

7.Considering the facts and circumstances of the case, the fact that the parties are relatives and fought with each other and the fact that the injured had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.



8. 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 District Munsif cum Judicial Magistrate, Thirupathur, Sivagangai District, 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 conditions 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 except the fourth petitioner, shall report before respondent police daily at 10.30 a.m., until further orders; the fourth petitioner in CrI.O.P.(MD)No.8151 of 2021 shall report before the respondent police as and when required;

[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]**; and

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

Sd/-
23/06/2021

/ 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.



1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPATHUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
KANNAVARYANPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1CC TO MR.V.S.KISHOK KUMAR,ADVOCATE SR.NO.4135

COMMON ORDER

IN

CRL OP(MD) No.8151 and 8173 of 2021

Date :23/06/2021

VB/VR/SAR.IV/28.06.2021/4P/6C