



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8238 of 2021

1. T.Bagavath Singh
2. T.Ramayi
3. S.Thoondi Muthu

... Petitioners/Accused
No.1 to 3

Vs

The State Rep. by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.139 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Ramanathan.K., Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.139 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 to 3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 324 I.P.C., and Section 4 of TNPHW Act in Cr.No.139 of 2021, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that there is a dispute between the defacto complainant and the accused with regard to marital discord between the first accused and the sister of the defacto complainant. On 07.06.2021 at about 07.00 p.m., when there was negotiation with regard to their marital dispute, the accused had attacked the defacto complainant's sister - Karthigai Selvi and the first accused also attacked the defacto complainant and as a result, both suffered injuries. Therefore, this case came to be registered.



3. The learned Counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl.Side) appearing for the State opposes this petition on the ground that the investigation in this case is not yet completed. Further, he submitted that the injured has already been discharged from the hospital.

5. Taking note of the fact that there was already an issue with regard to the marital dispute between the first accused and the sister of the defacto complainant and as a consequence, this incident had happened and the fact that the injured has already been discharged from the hospital, 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 arrest or 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, Thiruvadanai, Ramanathapuram 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 to 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 1 and 3 shall report before the respondent police daily at 10.30 a.m., until further orders and the second petitioner 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
24/06/2021

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8238 of 2021
Date :24/06/2021

SSL
TE/PN/SAR-IV : 29/06/2021 : 3P/5C