



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

Date : 02/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8363 of 2021

1. Deva @ Devanathan
2. K.Baskar

... Petitioners/Accused No.1 & 2

Vs

State Rep. by
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District
Crime No.133/2021.

... Respondent/Complainant

For Petitioners : Mr.Sivasubramanian.A.,
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. 133 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), 448, 427, 352 and 506(i) of IPC in Crime No.133 of 2021,
seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is aged about 15 years. On 06.05.2021, at about 02.00 pm, when she
was at home, the accused Deva had trespassed into her house and
holding her hands told her that he wanted to marry her. When she
raised voice, he had beaten her, asking why she was making noise.
Deva's brother Baskar also trespassed into her house and damaged the
articles. They also criminally intimidated the defacto complainant
to marry Deva. Hence, the complaint.

3.The learned counsel for the petitioners submitted that it was
just a brawl and case had been given exaggerating the events.
Further, the issue between the defacto complainant and her family
and petitioners/accused had been amicably settled on the



intervention of the elders. He also filed an affidavit signed by the mother of the defacto complainant in this regard. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Counsel for the Government of Tamil Nadu (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5. Considering the nature of the offence and the fact that now, it is informed by the mother of the defacto complainant that the issue had been settled by the parties and damaged articles were replaced by new articles, this Court is inclined to grant anticipatory bail to the petitioners.

6.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, Thiruvaiyaru 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 respondent police daily at 10.30 am., until further orders.

[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/-
02/07/2021

/ 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8363 of 2021
Date :02/07/2021

MBI
JM/PN/SAR III/06.07.2021/3P/5C