



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.8506 of 2021

1. Kalicharan @ Kaleswaran
2. Pandiyaraj @ pandi ... Petitioners/Accused Rank Not Known

Vs

State rep.by,
The Inspector of Police,
Thiruppathur Police Station,
Sivagangai
Crime No.167/2021. ... Respondent/Complainant

For Petitioners : Mr.P.Venkata Subramanian,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

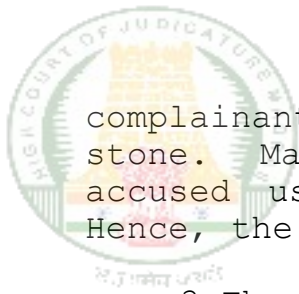
PRAYER :-

For Anticipatory Bail in Crime no. 167 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 147, 148, 294(b), 323, 324, 506(ii) of IPC and Section 4 of Prohibition Harassment of Women Act in Crime No.167 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was wordy quarrel between the family of Arumugam and the defacto complainant's sister in law on 23.06.2021 morning. The incident was reported to the daughter of arumugam, namely, Kaliyammal. On 23.06.2021, at about 06.00 pm, when the defacto complainant, her husband and her father in law were in house, Arumugam, his wife Pandiyammal, relatives Kaleeswaran, Manikandan came there and scolded the defaco complainant's family in filthy language. Kaleeswaran attacked the defacto complainant's husband with aruval. When the defacto



complainant tried to intervene, she was attacked by Saravanan with stone. Manikandan attacked her father in law with crowbar. Other accused used stick to attack the defacto complainant's family. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are falsely implicated in this case. He further submitted that A2, A3 and A5 were released on bail by the Trial Court. Therefore, he seeks anticipatory bail for the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is still pending. He further submitted that the injured has been discharged from the Hospital.

5.Considering the nature of the offence and the fact that the injured has been discharged from the Hospital and also the fact that the co-accused have been released on bail, 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, Thiruppathur, Sivagangai 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 first petitioner 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 /

WEB 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, THIRUPATHUR
SIVAGANGAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPATHUR POLICE STATION, SIVAGANGAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8506 of 2021
Date : 02/07/2021

MBI
PK/AKM/SAR-II/06.07.2021 : 3P/5C