



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8583 of 2021

1. G.Paramasivam
2. T.Karuppaiah
3. T.Kottaimalai
4. G.Iruppan Gurusamy

... Petitioners/Accused
No.1 and 3 to 5

Vs

The State rep by
The Inspector of Police,
Peraiyur Police Station,
Madurai District
Cime No. 234/2021.

... Respondent/Complainant

For Petitioners : Mr.Naveen Kumar.S.P.,
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.234 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and 3 to 5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 452, 341, 323, 324, 506(i) of IPC and r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act 1998 in Crime No.234 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was an issue with regard to playing cricket on 18.06.2021 between Alagupandi and son of the de-facto complainant/Kaleeswaran. As a sequel to that incident on 19.06.2021 at about 08.30 p.m., when the de-facto complainant's husband Murugan and daughters Vijayalakshmi and Muthuvanam were in their house, one Paramasivam illegally trespassed



into the house and scolded them in filthy language and also attacked the de-facto complainant and her family members. One Velayutham who accompanied Paramasivam had also attacked the de-facto complainant and her husband and daughters. Therefore, this case came to be registered.

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3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, they seek anticipatory bail.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending and one previous case is pending against A-1 in Crime No.68 of 2018 for the offences punishable under Sections 143 and 188 of IPC. He fairly conceded that the injured was already discharged from the hospital.

5.Considering the facts and circumstances of the case and the fact that the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

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, Peraiyur, 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 the respondent police, daily at 10.30 a.m., 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 230-A IPC.

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Sd/-
30/06/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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

ORDER
IN
CRL OP(MD) No.8583 of 2021
Date : 30/06/2021

VB/AKM/SAR.I/06.07.2021/3P/5C