



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.07.2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.9001 of 2021

1.A.Suriya @ Suriyamoorthy
2.A.Muthupandi
3.M.Thiruma @ Thiruman
4.N.Arun @ Ramachandran
5.K.Manoj @ Manojkumar
6.P.Ajay @ Ajaykannan
7.M.Nallamani
8.M.Boomi @ Boomiraja

... Petitioners/Accused
Nos.1 to 8

Vs

The State Represented by,
The Inspector of Police,
Theppakulam Police Station,
Madurai City.
Crime No.274 of 2021

... Respondent/Complainant

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

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

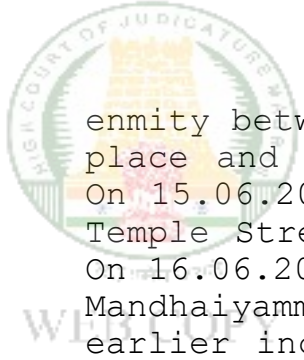
PRAYER :-

For Anticipatory Bail in Crime No.274 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 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.274 of 2021, seek anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/> 2.The case of the prosecution is that the defacto complainant has two daughters and two sons. Some youngsters used to eve tease the girls near Mandhaiyamman Temple. Therefore, there was previous



enmity between the youngsters belonging to the defacto complainant's place and the youngsters belonging to Mandhaiyamman Temple Street. On 15.06.2021, at about 08.30 pm, the youngsters from Mandhaiyamman Temple Street threatened the defacto complainant's son, Oorkavalan. On 16.06.2021, at about 08.00 pm, Oorkavalan and his friends went to Mandhaiyamman Temple Street and asked Surya and Muthupandi about the earlier incident. As a result, there was a wordy quarrel followed by fight. Then, on the same day, at about 08.30 pm, when the defacto complainant and his son Oorkavalan and others were talking near Iravadhanallur MGR Street Colony, the accused had come with wooden logs and started attacking the defacto complainant's son and the defacto complainant's sister's son. The accused made criminal intimidation and escaped. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He also submitted that there is a case in counter registered in Crime No.273 of 2021 for the offences punishable under Sections 448, 147, 148, 194(b), 354, 324 and 506 (ii) IPC. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending. However, he submitted that the injured were treated as out patients.

5. Narration of facts shows that the dispute had arisen out of eve teasing. There was group clash, in which, persons from both sides were injured. The injured in this case were treated as out patients. There is also a counter case registered in Crime No.273 of 2021. Except 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 other offences are bailable in nature. Taking the above factors into consideration, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, 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 Additional Mahila Court, Madurai 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/-

08/07/2021

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/ /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 JUDGE,
ADDITIONAL MAHILA COURT,
MADURAI.
2. THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-4468[I] dated 09/07/2021)

ORDER IN
CRL OP(MD) No.9001 of 2021
Date :08/07/2021