



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.9021 of 2021

1.Sagunthala
2.Vigneshwaran @ Balavigneshwaran
3.Manikandan
4.Meenakshi Sundaram ... Petitioners/Accused No.1 to 4

Vs.

The State Represented by,
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
Crime No.340 of 2021 ... Respondent/Complainant

For Petitioners : Mr.K.Sathish Kumar, Advocate

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

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

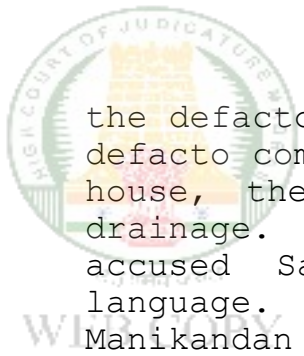
PRAYER :-

For Anticipatory Bail in Crime No.340 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), 323, 427, 355 and 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.340 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was dispute between the defacto complainant and the petitioners in connection with dumping waste in the drainage by the accused Sagunthala, which is being continued for the last five years. When the defacto complainant advised the accused Sagunthala not to dump waste, she has not done anything, but continued to nurture ill feeling towards



the defacto complainant. On 03.07.2021, at about 05.30 pm, when the defacto complainant and her daughters were talking in front of their house, the accused Sagunthala dumped a basket of waste in the drainage. When that was questioned by the defacto complainant, the accused Sagunthala scolded the defacto complainant in filthy language. The accused Sagunthala's sons namely, Vikneshwaran and Manikandan joined her and caused damaged to the two wheeler bearing Registration No.TN 65 AV 8625 and another two wheeler bearing Registration No.TN 65 AU 8932. Further, Meenatchi Sundaram and Sagunthala attacked the defacto complainant's house with wooden log and caused damage to the door. Total damage was worth about Rs.10,000/-. Vignesh hit the defacto complainant's head with wooden log and the defacto complainant tried to avoid that attack with her hand. As a result of which, she suffered injury in her right hand. The accused also attacked the defacto complainant's daughters. 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. 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 was treated as out patient.

5. Narration of facts shows that the incident happened due to dumping of waste in the the drainage by the accused. In the said process, there was wordy quarrel, which resulted in physical attack by the accused against the defacto complainant. Now, it is informed that the injured was treated as out patient. It is also stated that during the incident, the accused caused damage to the defacto complainant's two wheelers and front door of the house worth Rs.10,000/-. Except 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act , all the 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 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, Paramakudi 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 are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Judicial Magistrate, Paramakudi within a period of two weeks from today, ie., 08.07.2021, without prejudice to their rights and contentions before the trial Court. The learned Judicial Magistrate is directed to disburse the amount on the basis under the provisions of Victim Compensation.

[c]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[d]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.

[f]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].

[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/07/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI,
RAMANATHAPURAM DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.K.SATHISH KUMAR, Advocate SR.No.4475

ORDER

IN

CRL OP(MD) No.9021 of 2021

Date :08/07/2021

MBI

PK/VR/SAR-III/13.07.2021 : 4P/6C