



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

Date : 09/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9089 of 2021

1.Rajendran
2.Kamatchi
3.Kartheeswaran
4.Ananthi

... Petitioners/Accused
No.1 to 4

Vs

The State rep.by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime No.459 of 2021.

... Respondent/Complainant

For Petitioners : Mr.G.ILANGO,
Advocate.

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

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

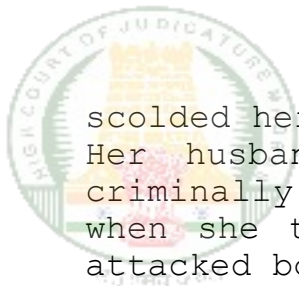
PRAYER :-

For Anticipatory Bail in Crime No.459 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
459, 294(b), 323, 324, 448, 506(ii) IPC and Section 4(b) of
Prohibition of Harassment of Women Act, 1998 in Crime No.459 of
2021, seek anticipatory bail.

2.The case of the prosecution is that there is previous enmity
between the petitioners and the defacto complainant. On 29.06.2021,
at about 07.30 pm., the defacto complainant returned after
purchasing vegetables. The accused Kartheeswaran scolded her in
filthy language stating that the defacto complainant had tied her
goat and that caused inconvenience for the free movement. When the
defacto complainant asked as to why was scolding her, he again



scolded her in filthy language and started attacking her with stick. Her husband took her inside the house. However, the accused criminally trespassed into her house and attacked her husband and when she tried to intervene, she was pushed down and the accused attacked both of them. Hence, the complaint.

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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. It is his further submission that there a case in counter in Cr.No.458 of 2021 under Sections 459, 294(b), 323, 324, 448, 506(ii) IPC and Section 4(b) of Prohibition of Harassment of Women Act, 1998. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. However, he conceded that the injured person had been discharged from the hospital.

5.Considering the nature of the incident and the fact that there is counter case pending and also the fact that the injured person had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

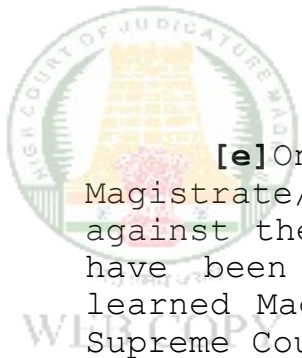
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, Thanjavur District, on condition that the petitioners 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 1 and 3 shall report before respondent police daily at 10.30 am., until further orders. The petitioners 2 and 4 shall report before the respondent police as and when required.

[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/-
09/07/2021

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

ORDER
IN
CRL OP(MD) No.9089 of 2021
Date :09/07/2021

GNS
TK/JC/SAR.2/13.07.2021/3P/5C