



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

Date : 16/07/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9472 of 2021

1. Anantharaj
2. Subramaniam

... Petitioners/Accused Nos.1&2

Vs

State Rep.by,
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
In Crime No. 1066/2020

... Respondent/Complainant

For Petitioner : Mr.T.Sivananthan,
Advocate.

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

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

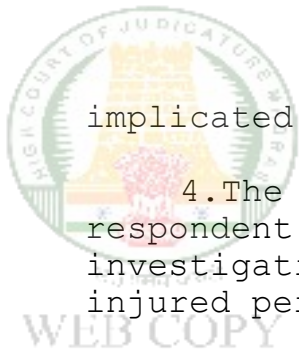
PRAYER :-For Anticipatory Bail in Crime No. 1066/2020 on the file of the respondent Police

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 448, 294(b), 323 and 506(ii) IPC in Crime No.1066 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of one Chitra. She was married to A1. Chitra was not well and she was under medical treatment and thereafter, she died in the year 2019. Chitra's minor son Avinesh was taken care by the defacto complainant. On 19.03.2020, at about 06.00 pm., when the defacto complainant, his wife and Avinesh were in their house, A1, A2, A3 and some other persons trespassed into the house, scolded him in filthy language and warned that his son to be sent with him. When the defacto complainant refused to send Avinesh with A1, accused had beaten him. In this regard, a complaint was given to Kovilpatti East Police Station. However, no action was taken and therefore, this complaint was forwarded under Section 156(3) Cr.P.C.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely



implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. He further submitted that the injured person has been treated as out patient.

5.It is seen that there was a dispute between the defacto complainant and A1 with regard to the custody and care of the minor Avinesh. Due to that dispute, it is alleged that the defacto complainant was assaulted. Considering the nature of the allegation and the relationship between the parties, 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 No.I, Kovilpatti 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/-
16/07/2021

/ 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.

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- TO
- 1.THE JUDICIAL MAGISTRATE NO:1,
KOVILPATTI.
 - 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.T.SIVANANTHAN, Advocate (SR-4652[I] dated 16/07/2021)

ORDER
IN
CRL OP(MD) No.9472 of 2021
Date :16/07/2021

GNS
RT/SRS/SAR-I/22.07.2021/3P/6C