



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 19/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9511 of 2021

1.A.Kanagavel Pandi
2.Alex Pandi

... Petitioner Nos.1&2/
Accused Nos.1&2

3.V.Sugandiraraj
4.S.Velmurugan

... Petitioner Nos.3&4/
Accused rank Not known

Vs

The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.299 of 2021

... Respondent/Complainant

For Petitioners : Mr.S.GokulRaj,
Advocate.

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

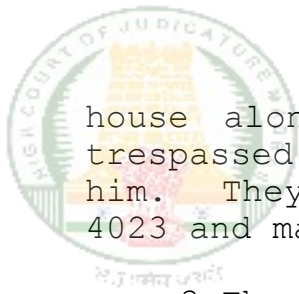
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No. 299/2021 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 448, 352, 294(b), 506(i) of IPC, r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.299 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's son Suresh was married to Vasuki in the year 2015. They had two children. The second child died in the year 2019 because of ill-health. Thereafter, Vasuki was always fighting with her husband Suresh. They were living in Palayamkottai. On 07.07.2021, at about 08.30 pm, the defacto complainant was in his



house along with his daughter. At that time, the accused had trespassed into the house and scolded him filthy language and beaten him. They also damaged the car bearing Registration No. TN 72 BX 4023 and made criminal intimidation. Hence the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are relatives and due to matrimonial dispute, this incident had happened. 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 had been discharged from the Hospital.

5. Taking note of the fact that the accused and the defacto complainant are relatives, the fact that the incident happened due to matrimonial dispute and the fact that the injured had been discharged from the Hospital, 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 Judicial Magistrate No.V, Tirunelveli 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/-
19/07/2021

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/ /2021

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

TO

1.THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI

2.-DO- THRO'THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3.THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT

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

+1 CC to M/s.M/S.GOKULRAJ, Advocate (SR-4732[I] dated 20/07/2021)

ORDER
IN
CRL OP(MD) No.9511 of 2021
Date :19/07/2021

MBI
RT/SRS/SAR-II/26.07.2021/3P/6C