



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD)No.9663 of 2021

1.Thatchinamoorthy
2.Malaikannan
3.Murugeswari
4.Vimala

... Petitioners/Accused No.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District
(Crime No.338 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Pakalavan, 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.338 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, 324, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.338 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the brother of the petitioners 1 and 2. There was a dispute arose between them on the funeral of their mother. Due to that the petitioners attacked the defacto complainant and his wife. Hence, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the injured person had been discharged from the hospital.

5.Considering the submission of the learned Government Advocate (Crl.side), 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 Additional Mahila Court, Sivagangai 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/-
22/07/2021

/ 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 ADDITIONAL MAHILA JUDGE,
SIVAGANGAI.
- 2.THE INSPECTOR OF POLICE,
KALAYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9663 of 2021
Date :22/07/2021

GNS
RT/VR/SAR-IV/27.07.2021/3P/4C