



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9812 of 2021

1. Parvathi Nathan
2. Saravanan
3. Tamilselvan
4. Kartheesan

... Petitioners/Accused 1 to 4

Vs

The State Rep. by,
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(Crime No.275 of 2021).

... Respondent/Complainant

For Petitioner : Mr.M.Pandian,
Advocate.

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

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

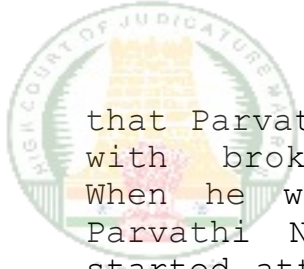
PRAYER :-

For Anticipatory bail in Crime No. 275 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 448, 294(b), 324, 506(2) IPC and Section 4 TNPHW in Crime No.275 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 14.07.2021, one Chinnadurai, father of A1, under the influence of alcohol, was beating one Banu stating that nobody can question him. The defacto complainant intervened and prevented him from attacking Banu. Angered over this, the said Chinnadurai threatened to kill him. At about 05.35 pm., he received a call from his mother and she told him



that Parvathi Nathan trespassed into the house and tried to stab her with broken beer bottle. Then he scolded her in filthy language. When he was about to go to his house, Saravanan stopped him, Parvathi Nathan and Tamilselvan came from behind the tree and started attacking him. Kartheesan attacked him with backside of the knife. As a result, he suffered injuries. He was taking treatment in the Government Hospital. Kartheesan, Parvathi Nathan, Saravanan came to the hospital at about 07.50 pm., and told him that if he give complaint to the Police, he would be eliminated. Hence, the complaint.

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. However, he submitted that injured person had been discharged from the hospital.

5.It is seen that the incident happened due to A1's father Chinnadurai attacking one Banu and interference of the defacto complainant and then other sequence of incidents had happened. It is also seen that the injured person had been discharged from the hospital and there is also a counter case pending. Taking note of all these factors into consideration, 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.III, Thoothukudi 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:

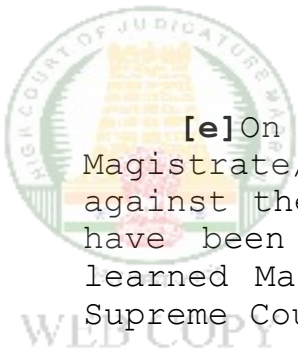
[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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.

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[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/-
28/07/2021

/ 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 NO.III,
THOOTHUKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9812 of 2021
Date :28/07/2021

gns

USK/JM/SAR-II : 02/08/2021 : 3P/5C

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