



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.10040 of 2021

1. Vasudevan
2. Manoharan

... Petitioners/Accused No.1 and 2

Vs

The State rep.by,
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
(In Crime No.1105 of 2021)

... Respondent/Complainant

For Petitioner : Mr.P.Sureshkumar,
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.1105 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 323, 427 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.1105 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband's son built a house near defacto complainant's house. They are staying in a rented house nearby. On 20.07.2021, at about 12 hours, they had broken the pipe leading to the defacto complainant's house. When she questioned them, they scolded her in filthy language. When her son Karthiknathan asked why they are scolding his mother, they started beating the defacto complainant and her son with wooden-log. One Shanthi and her daughter were also man-handled in the incident. They also pushed down the defacto complainant's mother-in-law and hence, she suffered fracture. Then, all the accused made criminal intimidation. 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, due to property dispute.

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 the injured person had been discharged from the hospital.

5.It is seen from the narration that both parties are closely related. It is submitted by the learned counsel for the petitioners that their grandmother executed will in favour of the petitioner's father and hence, there was enmity between them. Due to the same, this case came to be registered with exaggerating the events.

6.Considering the nature of the incident and the fact that the injured person had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

7.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(Judicial Magistrate Level), Madurai 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/-
28/07/2021

/ TRUE COPY /

WEB 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 COURT(JUDICIAL MAGISTRATE LEVEL) ,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI DISTRICT.

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

+2 CC to MR.R.KARUNANIDHI, Advocate (SR-4942[I] AND SR-4943[I]dated
30/07/2021)

ORDER
IN
CRL OP(MD) No.10040 of 2021
Date :28/07/2021

GNS
MK/VR/SAR.II/02.08.2021/3P/7C