



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

Date : 06/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.10207 of 2021

WEB COPY

- 1.Raja,
- 2.Sakthivel,
- 3.Suganya,
- 4.Samivel,
- 5.Chandra,

... Petitioners/Accused No.1 to 5
Vs.

The state rep. by
The Inspector of Police,
Thottiyam Police Station, Trichy
District. (Crime No. 242 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Ranjith Kumar J,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 242 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
147, 294(b), 323, 341, 379 and 506(ii) IPC and Section 4 of the
Tamil Nadu Prohibition of Harassment of Women Act in Crime No.242 of
2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is none other than the wife of the first petitioner. The first
petitioner was working in abroad and returned to India and raised
certain issues with the defacto complainant. The defacto complainant
claims that the second petitioner, who is the brother of the first
petitioner, had misbehaved with her. However, the defacto
complainant has not indulged for his desire. Hence, the second
petitioner made certain complaint as against her to the first



petitioner. Believing the same, the first petitioner had raised quarrel with the defacto complainant. On 20.07.2021, the petitioners abused the defacto complainant and also snatched away the "Thali" chain and mobile phone from her. On the complaint of the defacto complainant, the present case came to be registered.

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, on instructions, submitted that the injured person has not been discharged from the hospital. However, the learned counsel for the petitioner submitted that the injured has been discharged from the hospital. He further submitted that though the occurrence taken place on 20.07.2021, the complaint was lodged only on 23.07.2021. Thereafter, the victim was admitted in the hospital.

5.Considering the nature of the allegation levelled against the petitioners and also the fact that the parties are close relatives, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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, Musiri, Tiruchirappalli, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required.

[c]the petitioners shall not tamper with the 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/-
06/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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, Musiri,
Tiruchirappalli.
- 2.Do-Through The Judicial Magistrate,
Tiruchirappalli.
- 3.The Inspector of Police,
Thottiyam Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD) No.10207 of 2021

Date : 06/08/2021

CN/JM/S2 (23.08.2021) 3P 5C