



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

Date : 09.08.2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10662 of 2021

1.Peya Gounder
2.Saraswathi
3.Selvarani
4.Nagaraj

... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
In Crime No.363 of 2021

... Respondent/Complainant

For Petitioners : Mr.SUBASH BABU, Advocate
for Mr.C.SUSI KUMAR, 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.363 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, 148, 323, 294(b) and 506(2) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.363 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 01.08.2021, due to pathway dispute, the petitioners have assaulted the defacto complainant. Hence, the complaint.

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



4. The learned Government Advocate (Criminal Side) appearing for the respondent Police, on instructions, would submit that the injured has been treated as out patient.

5. Considering the fact that the injured has been treated as out patient and the major offence is under Section 506(2) of IPC, this Court is inclined to grant anticipatory bail to the petitioners and hence, this petition is allowed.

6. The learned counsel for the petitioners submits that in view of the pandemic situation, it is very difficult for them to arrange separate sureties, since the entire family members are roped in as accused in this case.

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, Manapparai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with one surety each for a like sum to the satisfaction of the 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 Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required, until further orders.

[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.

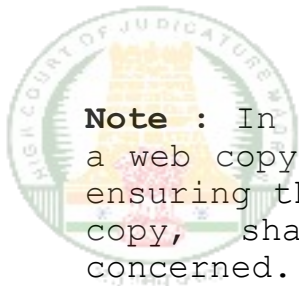
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
09/08/2021

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE, MANAPPARAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10662 of 2021

Date :09/08/2021

SA/JM/SAR.1/17.08.2021/3P/5C