



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.10718 and 6027 of 2021

Crl.O.P(MD)Nos.10718 of 2021

1. Thiruppathi
2. Maniraja

... Petitioners/Accused Nos.1 & 2

Vs

The State rep. by
The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
(Crime No.93 of 2021).

... Respondent/Complainant

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.93 of 2021 on the file of the Respondent police.

For Petitioner : Mr.B.Jameel Arasu, Advocate.

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

For Intervenor : Mr.S.J.Chakkravarthy, Advocate

Crl.O.P. (MD)No.6027 of 2021

1. Thiruppathi
2. Subramaniyan

... Petitioners/Accused Nos.1 & 2

Vs

The State rep by
The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
(Crime No.17 of 2021).

... Respondent/Complainant



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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2021 on the file of the Respondent police.

For Petitioner : Mr.S.Venkatasubramanian,
Advocate.

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

COMMON ORDER

The petitioners in Crl.O.P.(MD)No.10718 of 2021, who were arrested on 20.07.2021 for the offences punishable under Sections 341, 294(b) and 307 of IPC in Crime No.93 of 2021 on the file of the respondent police, seek bail.

2. The petitioners in Crl.O.P.(MD)No.6027 of 2021/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 435, 436 and 506(i) of IPC, in Crime No.17 of 2021, seek anticipatory bail.

3. The first petitioner in both the petitions is one and the same.

4. The first petitioner's daughter, namely, one Divya Bharathi eloped with the son of the Defacto Complainant on 19.02.2021 and on knowing this incident, the petitioners along with others set fire to the entrance door of the defacto complainant's house and caused damage to the tune of Rs.2,10,000/- and again, the petitioners set fire to the haystack and caused damage to the tune of Rs.30,000/- and also made life threat on 27.02.2021. Based on the above incidents, a complaint has been lodged by the defacto complainant on 06.03.2021 and a case has been registered in Cr.No.17 of 2021 as against the petitioners in Crl.O.P.(MD)No.6027 of 2021 for the offences punishable under Sections 435, 436 and 506(i) of IPC. Apprehending arrest, the petitioners moved a petition in Crl.O.P.(MD)No.6027 of 2021. Considering the nature of dispute, this Court, by order dated 28.04.2021, referred the matter to the Mediation and Conciliation Centre, attached to this Bench and directed the Mediation Centre to convene a Mediation between the petitioners and the Defacto complainant. Pending the Mediation, another incident took place on 20.07.2021 that the first petitioner in Crl.O.P.(MD) No.6027 of 2021 along with his son attacked the defacto complainant's son, namely, one Nagarajan and caused injuries to him. Based on a complaint, another case was registered in Cr.No.93 of 2021. The petitioners in Crl.O.P.(MD)No.10718 of 2021 were arrested on 20.07.2021, i.e. on the same day itself.



5. Heard Mr.S.Venkatasubramanian, learned counsel appearing for the petitioners in Crl.O.P.(MD)No.6027 of 2021 and Mr.B.Jameel Arasu, learned counsel appearing for the petitioners in Crl.O.P.(MD) No.10718 of 2021.

WEB COPY

6. Both the learned counsels for the petitioners *inter alia* submitted that the first petitioner arranged a marriage for his daughter with another person and betrothal was also over and at that time, at the instigation of the defacto complainant, his son has abducted the daughter of the first petitioner. Therefore, the incidents in Cr.Nos.17 and 93 of 2021 took place. However, they denied the presence of the petitioners and commission of offence.

7. The learned Government Advocate (Crl. Side) submitted that in Cr.No.17 of 2021, the petitioners and two others caused damage to the doors of the defacto complainant's house to the tune of Rs.2,10,000/- and in Cr.No.93 of 2021, the petitioners caused injury to the defacto complainant's son on his both arms.

8. The learned counsel appearing for the defacto complainant submitted that due to love affair, the first petitioner's daughter eloped with the defacto complainant's son. The first petitioner and the defacto complainant are relatives. The defacto complainant's son is working in Singapore. Despite the same, the petitioners have unnecessarily caused damage to the defacto complainant's house. He is also under life threat at the hands of the petitioners.

9. Mr.B.Jameel Arasu, learned counsel for the petitioners submitted that out of frustration, the above occurrence took place. Now, the petitioners realized that nothing can be done as against the love affair of the petitioners' daughter and the defacto complainant's son.

10. The learned counsels appearing for the petitioners submitted that they also advised the petitioners not to indulge in any other offence in future. They further submitted that the petitioners would file an undertaking affidavit that they will not indulge in any other offence in future and they would not create any quarrel with the defacto complainant's family. The petitioners are also prepared to abide by any other condition imposed by this Court.

11. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the petitioners would file an undertaking affidavit that they will not indulge in any other offence in future and they would not create any quarrel with the defacto complainant's family, this Court is inclined to grant bail to the petitioners in Crl.O.P.(MD) No.10718 of 2021 and also to grant anticipatory bail to the petitioners in Crl.O.P.(MD)No.6027 of 2021.



12. Accordingly, Criminal Original Petition in Crl.O.P.(MD) No.10718 of 2021 is ordered. The petitioners are ordered to be released on bail on their executing 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 District Munsif cum Judicial Magistrate, Singampunari, Sivagangai District and on further conditions that:

[a] **The petitioners shall file an undertaking affidavit in Tamil that they will not indulge in any other offence in future, before the concerned Judicial Magistrate as well as before the concerned Police Station. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties. The undertaking affidavit should be attested by the concerned Superintendent of Jail authority.**

[b] 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.

[c] the petitioners shall stay at Perambalur and report before the Perambalur Town Police Station daily at 10.30 a.m. until further orders.

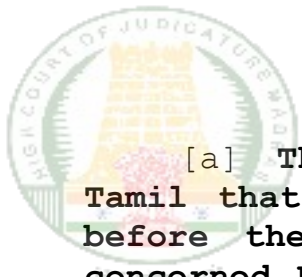
[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13. Consequently, Crl.O.P.(MD)No.6027 of 2021 is also ordered. 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, Singampunari, Sivagangai District, 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 conditions that:



[a] The petitioners shall file an undertaking affidavit in Tamil that they will not indulge in any other offence in future, before the concerned Judicial Magistrate as well as before the concerned Police Station. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

[b] 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.

[c] the petitioners shall stay at Perambalur and report before the Perambalur Town Police Station daily at 10.30 a.m. until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/08/2021

/ 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.



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SINGAMPUNARI, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
NERKUPPAI POLICE STATION, SIVAGANGAI
DISTRICT.
5. THE INSPECTOR OF POLICE,
PERAMBALUR TOWN POLICE STATION,
PERAMBALUR.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO Mr.S.J.CHAKKKARAVARTHY, ADVOCATE IN SR No. 5371, Dated
13.08.2021.

ORDER
IN
CRL OP(MD). Nos.10718 and
6027 of 2021
Date :26/07/2021

ogy
USK/JC/SAR-III : 13/08/2021 : 6P/8C