



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11022 of 2021

1.Rajamanickam
2.Kai Ayyappan @ Ayyapan
3.Marimuthu ... Petitioners/Accused Nos.6 to 8

Vs

State Rep by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
(Crime No.180 of 2021) ... Respondent/Complainant

For Petitioners: Mr.T.Lenin 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.180 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, 294(b), 342, 506(2), 379, 420 and 498A of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.180 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 22.05.2016, the petitioners and other accused trespassed into the defacto complainant's Company, abused the defacto complainant using filthy language and threatened her with dire consequences. Further they have also taken the machineries in the defacto complainant's Company. Hence, the complaint.



3. The learned counsel for the petitioners submits that for the alleged occurrence that is said to have taken place on 22.05.2016, complaint has been given only on 20.02.2021. He also submits that civil dispute is pending between the defacto complainant and the first accused.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police, opposed this petition on the ground that investigation is yet to be completed.

5. Considering the nature of offence, the fact that civil dispute is pending between the parties and that the complaint has been lodged with inordinate delay, this Court is inclined to grant anticipatory bail to the petitioners and hence, this petition is allowed.

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, Aranthangi 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 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.

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sd/-
12/08/2021

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

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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,
ARANTHANGI
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT
- 3 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11022 of 2021
Date :12/08/2021

PKP/VR/SAR-2/24.08.2021/3P/5C