



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

Date : 18/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11230 of 2021

1.Muthukumar
2.Jeyanthi

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
S.S.Kottai Police Station
Sivagangai District
Crime No.119 of 2021

...Respondent/Complainant

For Petitioners : Mr.R.RAJAMOHAN, Advocate
For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)
For Intervenor : Mr.PAUL MURUGAN, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.119 of 2021 on the file of the respondent police.

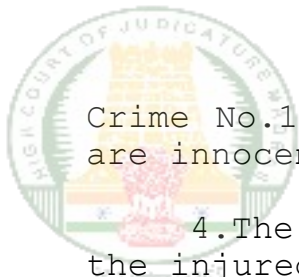
ORDER : The Court made the following order :-

The petitioners/A1 and A2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 379 I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.119 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant's husband are brothers. There was a wordy quarrel between two family members with regard to enjoyment of common house of the first petitioner and the defacto complainant's husband. For that on 05.08.2021, the petitioners abused the defacto complainant and her family members in filthy language and also assaulted them. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a counter case has been registered against the de-facto complainant in

<https://hcservices.ecourts.gov.in/hcservices/>



Crime No.120 of 2021. He would further submit that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that the injured has been discharged from the hospital and a counter case has been registered in Crime No.120 of 2021 against the de-facto complainant. He would further submit that the petitioners are not having any bad antecedents.

5.Taking into consideration of the facts and circumstances of the case, the fact that it is a counter case, the injured has been discharged from the hospital and also the fact that the petitioners have not involved in any other offences, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or 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, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., 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]**; and;

(f)if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

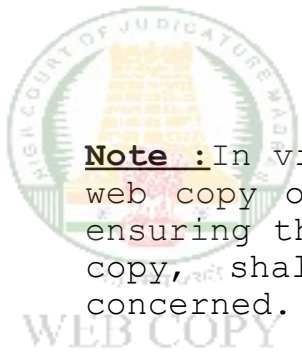
sd/-

18/08/2021

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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 JUDICIAL MAGISTRATE
SINGAMPUNARI.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
S.S.KOTTAI POLICE STATION
SIVAGANGAI DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.R.RAJAMOHAN Advocate SR.No.5506

ORDER

IN

CRL OP(MD) No.11230 of 2021

Date :18/08/2021

SA/JC/SAR.2/27.08.2021/3P/6C