



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2021

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PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11339 of 2021

1. Rani
2. Vasanth ... Petitioners/Accused No.1 and 2

Vs

State Rep. by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
(Crime No.727/2021). ... Respondent/Complainant

For Petitioners: Mr.S.J.Chakkaravarthy
Advocate.

For Respondent : Mr.T.Kottai Chamy
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail Crime No.727 of 2021 on the file of the Respondent Police.

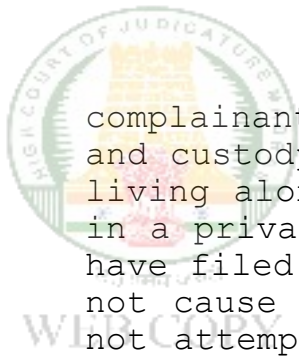
ORDER : The Court made the following order :-

The petitioners/Accused 1 and 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.727 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have attacked the defacto complainant and also abused her with filthy language. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are the owners of the house property, where the defacto complainant is residing as a tenant. The allegation as against these

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complainant, who has lost her father and mother. She is in the care and custody of the 1st petitioner and she is aged about 21 years and living alone. She is studying B.Com. and also working as Accountant in a private company. He would further submit that the petitioners have filed an undertaking affidavit before this Court that they will not cause any harm to the defacto complainant/tenant and they will not attempt to evict the defacto complainant without following the due process of law.

4.Considering the facts and circumstances of the case and the undertaking affidavit filed by the petitioners before this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.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 No.VI, Madurai 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 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 as and when required for interrogation.

(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/-
26/08/2021

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/ /2021

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

TM

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 NO.VI
MADURAI DISTRICT
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
MADURAI
- 3 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.J.CHAKKARAVARTHY, Advocate (SR-5755[I] dated 27/08/2021)

ORDER
IN
CRL OP(MD) No.11339 of 2021
Date : 26/08/2021

PKP/JM/SAR-3/01.09.2021/3P/6C