



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

Date : 24.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.11813 of 2021

1. Stalin Mary

2. Arockia Mary @ Valarmathi

3. Samuvel Vijay ...Petitioners/Accused No.1 to 3

Vs

State through the Rep.by
The Inspector of Police,
Devakottai Town Police Station,
Devakottai,
Sivangangai District
(Crime No. 390 of 2021).

... Respondent/Complainant

For Petitioners : M/s. Abdul Rahuman.S, Advocate

For Respondent : Mr.T.Senthil Kumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 390 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 offence punishable under Sections
452, 294(b) and 506(i) IPC and Section 4 of Tamil Nadu Prohibition
of Harassment of Women Act in Crime No.390 of 2021, seek
anticipatory bail.



2.The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, the petitioners trespassed into the defacto complainant's house, abused and threatened her and her husband.

3.The learned counsel for the petitioners submits that the petitioners have not indulged in any offence as alleged by the prosecution and they are innocents and due to the complaint lodged against the defacto complainant for sexual assault on the first petitioner, this complaint has been foisted against the petitioners as a counter case.

4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted it is a case in counter and no one sustained injury.

5.Considering facts and circumstance of the case, the nature of allegations levelled against the petitioners, the fact that it is a case in counter and no one is injured, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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, Devakottai 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 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.

[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/-
24/08/2021

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

dsk

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, Devakottai.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Inspector of Police,
Devakottai Town Police Station,
Devakottai, Sivangangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.11813 of 2021
Date :24/08/2021

SP/PN/SAR II/27/08/2021/3P/5C