



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11476 of 2021

1.Thirunavukarasu

2.Seetha

3.UdaiyarS

4.Nadarajan

5.Indhirani

6.Karuppaiah

7.Kottaivalli

8.Manimaran @ Mani Maran

9.Vasuki

10.Muthulakshmi

11.Rasu

... Petitioners/Accused Nos.1 to 11

Vs

The Inspector of Police,
Thirupalaikudi Police Station
Ramanathapuram District
(Cr. No.52/2021).

... Respondent/Complainant

For Petitioners : M/s. Senthil Murugan, C
Advocate.

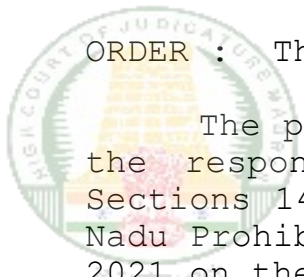
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory Bail in Crime No.52/2021 on the file of the
Respondent Police

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



ORDER : The Court made the following order :-

The petitioners/A1 to A11, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323 and 324 I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.52 of 2021 on the file of the respondent police, seek anticipatory bail.

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2.The case of the prosecution is that the first petitioner has grassed his cattle in the defacto complainant's garden and the same was questioned by the defacto complainant. Thereafter, on 24.03.2021 at about 6.30 p.m, the petitioner and his family members quarrelled with the defacto complainant, at that time, the petitioners assaulted the defacto complainant and abused her in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner and the defacto complainant are close relatives. Due to previous enmity, a false case has been foisted against these petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

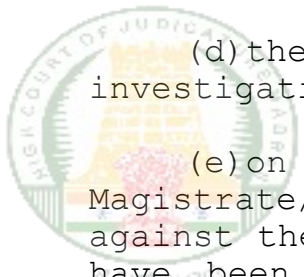
4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that the injured has been discharged from the hospital.

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioners and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 Additional Mahila Court, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one surety 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/08/2021

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

MSA

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 Additional Mahila Court,
Ramanathapuram District
2. The Inspector of Police,
Thirupalaikudi Police Station
Ramanathapuram District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.11476 of 2021
Date :18/08/2021

KB/SVN/SAR-II (08.09.2021) 3P 4C