



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

Date : 03/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12015 of 2021

- 1.Bose
- 2.Santhi
- 3.Athiram @ Athiraman
- 4.Rajkumar
- 5.Jeyakumar
- 6.Rajalakshmi
- 7.Rajakumari
- 8.Sathya
- 9.Muthaiah
- 10.Gokila ... Petitioners/Accused 1 to 10

Vs

The State represented by
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
Crime No.70 of 2021

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu,
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.70 of 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 A10, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 506(i) IPC r/w. Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.70 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioners attacked the defacto complainant and his relatives and caused injuries and also threatened with dire consequences.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) for the respondent, on instructions, submitted that due to money dispute, the alleged occurrence had taken place, in which, the defacto complainant and his relatives had sustained simple injuries. He further submitted that accused No.9 is having three previous cases and accused No.10 is having one previous case.

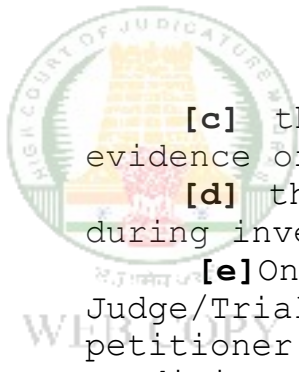
5. Since the petitioner No.9/accused No.9 is having three previous cases, this Court is not inclined to grant bail to the petitioner No.9. Hence, this petition is dismissed insofar as the petitioner No.9 is concerned.

6. Insofar as petitioner Nos.1 to 8 and 10 are concerned, this Court, by considering the facts and circumstances of the case and the nature of allegations levelled against them, is inclined to grant anticipatory bail to petitioners 1 to 8 and 10.

7. Accordingly, the Criminal Original Petition is allowed insofar as the petitioner Nos.1 to 8 and 10 are concerned. The petitioner Nos.1 to 8 and 10 are directed 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 Additional Mahila Judge, Srivilliputhur, Virudhunagar District, on condition that they 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 Judge concerned and on further conditions that:

[a] the petitioner Nos.1 to 8 and 10 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner Nos.1 to 8 and 10 shall report before the respondent police daily at 10.30 a.m. until further orders;



[c] the petitioner Nos.1 to 8 and 10 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner Nos.1 to 8 and 10 shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judge/Trial Court is entitled to take appropriate action against the petitioner Nos.1 to 8 and 10 in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judge/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.

sd/-

03/09/2021

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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 ADDITIONAL MAHILA JUDGE,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12015 of 2021

Date :03/09/2021

OGY

SS/JM/SAR-IV/14.09.2021 : 3P/4C