



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.11668 & 11674 of 2021

R.Ramesh,

... Petitioner/Accused No.1
in CRL OP(MD)No.11668 of 2021

... Petitioner/Sole Accused
in CRL OP(MD)No.11674 of 2021

Vs

State Rep by
The Inspector of Police,
Thennilai Police Station,
Karur District.
(Crime No. 255 of 2021).

... Respondent/Complainant
in CRL OP(MD)No.11668 of 2021

(Crime No. 262 of 2021)

..... Respondent/Complainant
in CRL OP(MD)No.11674 of 2021

IN BOTH PETITIONS

For Petitioner : Mr.K.Sathish Kumar,
Advocate.

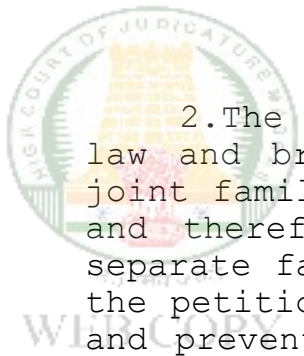
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)

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

For Anticipatory Bail in Crime Nos.255 & 262 of 2021 on the
file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 341, 294(b), 506(i) and 509 of IPC, in Crime No.255 of 2021
and for the alleged offence punishable under Sections 341, 294(b),
324 and 506(i) of IPC, in Cr.No.262 of 2021, on the file of the
respondent police, seeks anticipatory bail.



2.The defacto complainants are none other than the sister-in-law and brother of this petitioner. They originally lived as a joint family. But this petitioner behaved in a very abusive manner and therefore, both the defacto complainants decided to have a separate family. While they were taking the things to their house, the petitioner and his mother are said to have objected to the same and prevented them from taking the utensils and other articles of the defacto complainants and also assaulted the defacto complainants with iron rod.

3. This Court, by order dated 26.08.2021 directed the petitioner to return the articles and directed to post this matter on 03.09.2021.

4. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent produced a letter written by one Radhika, who is the complainant in Cr.No.255 of 2021. In the said letter, the said Radhika has stated that they are not having sufficient place in their house and therefore, they need some more time for taking all the articles.

5. The learned counsel appearing for the petitioner would submit that the petitioner is also willing to hand over the articles to the defacto complainants.

6.Taking into consideration of the facts and circumstances of the case and the fact that the dispute is between the family members and the same was amicably settled between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aravakurichi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate and on further conditions that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;



(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/09/2021

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

AM/csm

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,
ARAVAKURICHI.
- 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT
- 3 THE INSPECTOR OF POLICE
THENNILAI POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SATHISH KUMAR.K Advocate SR.No.6357(I)
dated 17/09/2021

ORDER

IN

CRL OP(MD).Nos.11668 &
11674 of 2021

Date :16/09/2021