



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) .No.13687 of 2021

1.Alaguramachandran
2.R.Vidya

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No. 224 of 2018).

... Respondent/Complainant

For Petitioners : Mr.C.EZHILARASU,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABHAKAR,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.224 of 2018 on the file of the respondent police.

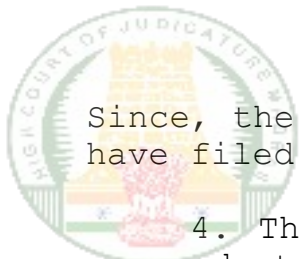
ORDER : The Court made the following order :-

The petitioners/accused Nos.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 452, 323 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002, in Crime No.224 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 06.09.2018 there was a wordy quarrel between the petitioners and the defacto complainant and due to the same, the petitioners attacked the defacto complainant and abused him with filthy language.

3. The learned counsel appearing for the petitioners submitted that earlier these petitioners have filed an anticipatory bail before this Court in CrI.O.P.(MD)No.16366 of 2018. This Court, by order dated 12.09.2018 granted anticipatory bail to the petitioners.

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



Since, the petitioners have not furnished the sureties in time, they have filed this second application of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that these petitioners have already been granted anticipatory bail by this Court, but they have not furnished the sureties in time.

5. Taking into consideration of the facts and circumstances of the case and the petitioners have already been granted anticipatory bail by this Court, on 12.09.2018, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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.II, Usilampatti, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate 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 daily at 10.30 a.m., until further orders;

(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/-

16/09/2021

/ TRUE COPY /

/ /2021

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

ORDER

IN

CRL OP(MD) No.13687 of 2021
Date :16/09/2021

SA/PN/SAR.4/21.09.2021/3P/5C