



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11713 of 2021

1. Nagaraj,

2. Karnan,

3. Sivakumar,

4. Suryaprakash,

... Petitioners/Accused Nos.3,5 to 7

Vs

The state rep by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District
(Crime No. 113 of 2021)

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 113 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 offences punishable under Sections
448, 147, 148, 294(b), 323 and 506(ii) IPC and Section 4 of Tamil
Nadu Prohibition of Women Harassment Act in Crime No.113 of 2021,
seek anticipatory bail.



2.The case of the prosecution is that since the husband of the defacto complainant is working in abroad, she is taken care of by the husband's brother. While so, the petitioners suspecting the behaviour of the defacto complainant entered into a wordy altercation with her, abused in filthy language and threatened her with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners submitted that since the petitioners objected to the illegal relationship of the defacto complainant, this complaint has been foisted against the petitioners. The petitioners have not indulged in any offence, as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the issue is between the neighbours and the injured has been discharged from hospital.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the fact that the injured has been discharged from hospital 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, Kamuthi, 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

<https://hcservices.mca.gov.in/hcservices/> 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/-
24/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
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,
Kamuthi.
- 2.Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.11713 of 2021
Date : 24/08/2021

TR/JC/SAR-I(27.08.2021) 3P 5C