



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11817 of 2021

1. Anbazhagan
2. Kumar @ Periyasamy
3. Lakshmi
4. Sarasu @ Saraswathi ... Petitioners/Accused Nos.1 to 4

Vs

State rep.by
The Inspector of Police,
Ramji Nagar Police Station,
Trichy District.
(Crime No.286 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Anandakumar N, Advocate

For Respondent : M/s.T.Senthilkumar
Government Advocate (Crl.Side)

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

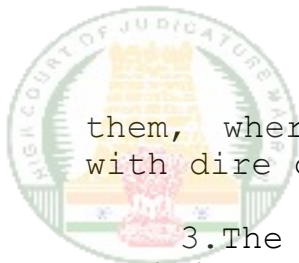
PRAYER :-

For Anticipatory Bail in Crime No.286 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 offence punishable under Sections 294(b), 427 and 506(ii) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.286 of 2021, seek anticipatory bail.

2.The case of the prosecution is that since the first and second petitioners teased the defacto complainant on earlier occasions, there existed enmity between the defacto complainant and the petitioners. While so, on 26.07.2021 there was a quarrel between



them, wherein the petitioners threatened the *defacto* complainant with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners submits that the petitioners have not indulged in any offence as alleged by the prosecution and they are innocents. However, for the alleged offence said to have occurred on 26.07.2021, the complaint was lodged on 11.08.2021 with a delay of around 15 days. He further submitted pending this application second petitioner has been arrested.

4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted it is dispute between the neighbours and they have no bad antecedents.

5.Since the second petitioner has been arrested, this petition is dismissed against the second petitioner. Further, considering facts and circumstance of the case, the nature of allegations, the fact that it is a dispute between neighbours and the petitioners have no bad antecedents, this Court is inclined to grant anticipatory bail to other petitioners.

6.Accordingly, this criminal original petition is allowed insofar as the petitioners 1, 3 and 4 are concerned and they 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 Additional Mahila Court, Tiruchirappalli 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 petitioners 1, 3 and 4 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 1, 3 and 4 shall report before the respondent police as and when required.

[c] the the petitioners 1, 3 and 4 shall not tamper with the evidence or witness either during investigation or trial.

[d] the the petitioners 1, 3 and 4 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 petitioners 1, 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 3 and 4 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.

7. In fine, this petition is partly allowed.

WEB COPY

Sd/-
24/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
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 Additional Mahila Court,
Tiruchirappalli.
2. The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Ramji Nagar Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.11817 of 2021
Date : 24/08/2021