



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

Date : 03/09/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12277 of 2021

1. S.Subbulakshmi,

2. Gomathi,

... Petitioners/Accused No.1 & 2

Vs

The State Rep. by,  
The Inspector of Police,  
Moondradaippu Police Statin,  
Tirunelveli District.  
(Crime No.118/2021)

... Respondent/Complainant

For Petitioner : Mr.Suresh.M for  
Mangalanathan.K.,  
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. 118 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 294(b), 427, 324, 380(NH) and 506(ii) IPC and Section 4 of Prohibition of Woman Harassment Act, in Crime No.118 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to the property dispute, the petitioners along with other accused trespassed into the house of the defacto complainant, abused her in filthy language and assaulted her. They also damaged the properties to the tune of Rs.10,500/- from her house.



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 totally, there are four accused in this case. Due to the property dispute, the petitioners along with other accused trespassed into the house of the defacto complainant and assaulted her. They also damaged the household articles to the tune of Rs.30,000/- and took away a sum of Rs.10,500/- from her house. He further submitted that the petitioners are not having any previous case.

5. The learned counsel for the petitioners submits that the petitioners are ready to pay any amount that may be fixed by this Court.

6. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and their willingness to pay any amount as imposed by this Court, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the Criminal Original Petition is allowed. The petitioners 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 Judicial Magistrate, Nanguneri, 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 respondent police or the police officer who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

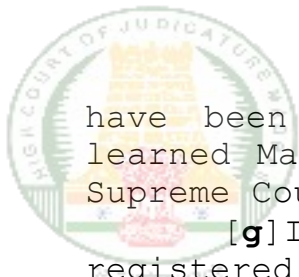
[b] the petitioners are jointly directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.118 of 2021 before the learned Judicial Magistrate, Nanguneri,** within a period of two weeks.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**; [g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-  
03/09/2021

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/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

OGY

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,  
NANGUNERI.
- 2.DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
THIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE  
MOONDRADAIPPU POLICE STATIN, TIRUNELVELI  
DISTRICT (CRIME NO. 118 OF 2021)
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.12277 of 2021  
Date :03/09/2021

RK/SKN/SAR-IV (09.09.2021) 3P 5C