



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12237 of 2021

1. E.Dinesh @ Dineshkumar,

2. E. Sathishkumar, ... Petitioners/Accused No.1&2

Vs

The Inspector of Police,
Madurai City,
V2 Avaniyapuram Police Station,
Madurai - 625012.
(Crime No.974 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Suresh 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. 974 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 294(b), 324 and 506(ii) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.974 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the father-in-law of the first petitioner and the second petitioner is the brother of the first petitioner. Due to the matrimonial dispute between the defacto complainant's daughter and the first petitioner, the petitioners had gone to the defacto



complainant's house and abused the defacto complainant's daughter using filthy language and assaulted her. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the defacto complainant is continuously creating some issues between the first petitioner and the defacto complainant's daughter. The second petitioner had gone to the defacto complainant's house to solve the issue between the family members. However, this case has been foisted against the petitioners.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that the victim sustained simple injury.

5. Considering the fact that the incident occurred due to family dispute and that the injured sustained simple injury, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed.

6. 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 Additional Judicial Magistrate, Mahila Court, Madurai District 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 Judge 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 respondent police as and when required, 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].



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

sd/-
31/08/2021

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/ /2021

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

mbi

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 JUDICIAL
MAGISTRATE, MAHILA COURT, MADURAI.
 2. -DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.
 3. THE INSPECTOR OF POLICE
MADURAI CITY, V2 AVANIYAPURAM POLICE STATION,
MADURAI - 625012
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.SURESH K Advocate SR.No.5774

ORDER
IN
CRL OP(MD) No.12237 of 2021
Date :31/08/2021

RD/SKN/SAR-IV(8.09.2021) 3P 6C