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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.12274 of 2021

1. Ramanathan
2. Thenmozhi
3. Sathish @ Sathishkumar ... Petitioners/Accused Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Siruganur Police Station,
Trichy District.
(Crime No.543 of 2021). ... Respondent/Complainant

For Petitioners : M/s.P.Ganapathi Subramanian, Advocate.

For Respondent : M/s.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. 543 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), 323, 324 and 506(2) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.543 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to a dispute in fencing of property, the petitioners have abused the defacto complainant with filthy language, attacked her and threatened her with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners and the defacto complainant are relatives. Due to a dispute in fencing the property, there was a clash between the parties and on the complaint of the first petitioner, a counter case was also registered against the defacto complainant in Crime No.544 of 2021 on the file of the respondent Police.

4. Heard learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. Considering the nature of offence, allegation against this petitioner, the fact that this is a case in counter and the parties are relatives, 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 Judicial Magistrate, Lalgudi, Trichy 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.

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Sd/-
31/08/2021

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

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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,
Lalgudi, Trichy.
2. The Chief Judicial Magistrate,
Trichy.
3. The Inspector of Police,
Siruganur Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12274 of 2021
Date :31/08/2021

SP/VR/SAR III/08/09/2021/3P/5C