



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12581 of 2021

1. P.Thiruvengkatam
2. T.Mookambigai

... Petitioners/Accused No.1,2

Vs

State rep.by
The Inspector of Police,
Palakkarai Police Station,
Trichy District.
(Crime No.424 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Punithan T.A., 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.424 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 294(b), 323 IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.424 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. When the defacto complainant removed the debris in front of her house, the petitioners objected the same and abused her in filthy language. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the defacto complainant and her husband are in the habit of videographing the petitioners day-to-day activities and used to cause hindrance. On 11.08.2021, the petitioners snatched their phones, when they videographed them. Hence, they harassed them physically and verbally. He further submitted that after the above said incident, the petitioners also lodged a complaint against them.

4.The learned Government Advocate (Crl.side) for the respondent submitted that the dispute is between the neighbours and there are allegations and counter allegations.

5. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 No.I, 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 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 shall report before the respondent police as and when required for interrogation;

[c]the petitioners shall not tamper with 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/-
03/09/2021

/ /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 learned Judicial Magistrate No.I,
Trichy.
2. The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Palakkarai Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.12581 of 2021
Date :03/09/2021

SP/JC/SAR IV/08/09/2021/3P/5C