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

Date : 07/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12810 of 2021

1. S. Kalidass,

2. K.Prema,

3. S.Kalimuthu,

.... Petitioners/Accused Nos.1 to 3

Vs

State rep by

The Inspector of Police,

Mimisal Police Station,

Avudaiyarkovil Taluk,

Pudukkottai District.

... Respondent/Complainant

For Petitioner : M/s. Vijayendran.V.,
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.421 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 294 (b), 323 and 506(ii) IPC, in Crime No. 421 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On 07.08.2021, the defacto complainant and their henchmen tried to block the common path way by fencing, which is the only way to the petitioners to enter their houses. Therefore, the petitioners prevented to stop the said



action. When the same was questioned by the defacto complainant, the petitioners attacked him and caused injuries.

3. The learned counsel for the petitioners submits that on 26.08.2021, when A2 one Prema, was cleaning the common pathway, the defacto complainant and others abused her in filthy language, assaulted her with aruval and caused injuries on her right hand, palm and neck, for which, a complaint has been lodged as against the defacto complainant, which has been registered as Cr.No.420 of 2021 under Sections 294(b), 324 and 354 IPC, r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002. As a counter blast, the defacto complainant has filed this false complaint. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that it is a case and counter case and the investigation is still pending.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that it is a case and counter case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is ordered. 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 Judicial Magistrate Court, Aranthangi, Pudukottai District, 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 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 daily at 10.30 a.m. until further orders;

[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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/ /2021
Sub-Assistant Registrar (C.S.)
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 Court,
Aranthangi, Pudukottai District.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Inspector of Police,
Mimisal Police Station,
Avudaiyarkovil Taluk,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.12810 of 2021
Date : 07/09/2021

TR/SKN/SAR-III (17.09.2021) 3P 5C