



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12842 of 2021

1. Mathiyas
2. Jenita Mary

... Petitioners/Accused No.3 & 4

Vs

State rep.by
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
(Crime NO.149 of 2021)

... Respondent/Complainant

For Petitioners : M/s.Sathish Kumar K, 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.149 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 448, 294(b), 323, 336 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.149 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the [defacto complainant](https://hcservices.ecourts.gov.in/hcservices/) are neighbours. There was a dispute between them with regard to overflow of drainage water. On 29.08.2021, due



to previous motive, the petitioners abused the defacto complainant in filthy language, attacked her and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners are innocents, they have not been committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submits that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the fact that the injured has been discharged from the hospital, 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 learned Judicial Magistrate, Ilayankudi, 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 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.

WEB COPY

Sd/-
09/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
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,
Ilayankudi.
 2. The Chief Judicial Magistrate,
Sivagangai District.
 3. The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to MS.SATHISH KUMAR K Advocate SR.No.6169

ORDER
IN
CRL OP (MD) No.12842 of 2021
Date : 09/09/2021