



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15.09.2021
PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12878 of 2021

1.Bose
2.Guru
3.Pandiammal
4.Priya @ Priyadharshini ... Petitioners/Accused Nos.1 to 4

Vs

The State Rep. by
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(Crime No.301/2021).

... Respondent/Complainant

For petitioners: Mr.T.PALANISAMY
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 Crime No.301 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294 (b), 342, 323, 324, 355, 506(i) of IPC and Section 4 of Women Harassment Act, in Crime No.301 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 12.06.2021 at about 7.30 a.m., the 1st petitioner continuously harassed the defacto complainant and when the defacto complainant and her husband intended to lodge a complaint, the petitioners entered into their house. The second petitioner caught hold of the hands of the defacto complainant, the first petitioner assaulted him with iron rod and thereby caused head injury. Hence, the complaint.

3.The learned counsel for the petitioners submitted that they did not commit any offence as alleged by the prosecution. He further submitted that the second petitioner is an advocate. The third



petitioner is his mother and the fourth petitioner is his sister, who is having a small child. The entire family has been roped into the case at the instance of an advocate. A counter complaint has been lodged in Crime No.300 of 2021 before the respondent police against the defacto complaint.

WEB COPY

4.The learned Government Advocate (Crl. Side) would submit that investigation is yet to be completed.

5.This Court perused the subject FIR. The allegation in the complaint is that the first petitioner, who is the father of the second petitioner, has misbehaved with the defacto complainant in the absence of her husband. She reported the same to her husband and hence, the occurrence had taken place. Insofar as the other petitioners are concerned, they have assaulted the defacto complainant in order to deter her from preferring any complaint as against the A1. The fact remains that a counter complaint has also been registered as against the defacto complainant and her husband in Crime No.300 of 2021. In view of the above and considering the nature of allegation, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed in respect of the petitioners 2 to 4 and the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, on condition that the petitioners 2 to 4 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 2 to 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the second petitioner shall report before the respondent police daily at 10.30 p.m. until further orders and the petitioners 3 & 4 shall appear before the respondent police as when required for interrogation;

(c)the petitioners 2 to 4 shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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]; and;

(f)if the accused/ petitioners 2 to 4 thereafter abscond, a <https://hccsrecords.gov.in/home/pos> registered under Section 229-A IPC.



7.This Criminal Original Petition is dismissed insofar as the first petitioner is concerned.

sd/-
15/09/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

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
VADIPATTI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12878 of 2021
Date :15/09/2021

SA/VR/SAR.3/22.09.2021/3P/5C