



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.12884 of 2021

1.Singaraj
2.Kani
3.Ayyar
4.Pakkiyam @ Thamarai
5.Poopathi
6.Raja

... Petitioners/Accused Nos.1 to 6

Vs

State Rep. by
The Inspector of Police,
Dhalavaipuram Police Station, Virudhunagar District.
(Crime No.230/2021) ... Respondent/Complainant

For petitioners: Mr.S.Pooranachandran,
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.230 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 6, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294 (b), 323 and 506(ii) of IPC and Section 4 of Women Harassment Act, in Crime No.230 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant with filthy language, attacked her with hands and criminally intimidated. Hence, the complaint.

3.The learned counsel for the petitioners submitted that this is a counter case. He further submitted that the defacto complainant along with six others, involved in a scuffle with the petitioners, assaulted the petitioners indiscriminately, due to which, the fifth petitioner herein sustained injuries. Hence, a complaint has been registered in Crime No.235 of 2021 on the file of the respondent



4.The learned Government Advocate (Crl. Side) would submit that investigation is yet to be completed and the injured person has been discharged from the hospital.

5.Considering the facts and circumstances of the case and the nature of allegation against the petitioners and that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners 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, Rajapalayam, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as when required for interrogation;

(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]; and;

(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/09/2021

/ TRUE 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
DHALAVAIPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12884 of 2021
Date :15/09/2021

tm
MK/PN/SAR.III/22.09.2021/3P/5C