



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

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12926 of 2021

1.Shanker
2.Gopinath
3.Ramasamy

... Petitioners/Accused Nos.1 to 3

Vs

The State Rep. by
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
(Crime No.463/2021).

... Respondent/Complainant

For petitioners: Mr.S.MUTHUMALAI RAJA
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.463 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294 (b), 323, 324, 506(ii) of IPC and Section 4 of Tamil nadu Prohibition of Harassment of Women ACT, in Crime No.463 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 13.08.2021, when the defacto complainant's father-in-law asked the first petitioner to return back the money given by him, there was a wordy quarrel between them and when the defacto complainant and his wife tried to pacify the matter, the petitioners assaulted them also. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners and the defacto complainant are close relatives. There is a money dispute between them. When the defacto complainant's father-in-law questioned the first petitioner, the defacto



complainant and his wife irritated the first petitioner and there was a wordy quarrel. He further submitted that there is no grievous injury to any one of them and that it is totally a false case.

4.The learned Government Advocate (Crl. Side) would submit that investigation is yet to be completed and there is a money dispute between them.

5.Considering the facts and circumstances of the case and the nature of allegation against the petitioners and that since it is a money dispute, 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, Boothapandi, Kanniyakumari District, 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 daily at 10.30 a.m. until further orders.

(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

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/ /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
BOOTHAPANDI, KANYAKUMARI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
ARALVOIMOZHI POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12926 of 2021

Date :15/09/2021

SA/PN/SAR.4/22.09.2021/3P/5C