



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12932 of 2021

1.Abinaya
2.Hemalatha

...Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
In Crime No.238 of 2021.

...Respondent/Complainant

For Petitioners : Mr.S.Poornachandran, 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.238 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(i) I.P.C, in Crime No.238 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to the pathway dispute between the petitioners and the defacto complainant, the petitioners abused the defacto complainant in filthy language and assaulted her with hands. Hence, the complaint.

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

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that there is a pathway dispute between the petitioners and the defacto complainant and no one sustained injury in this case.



5. Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the fact that no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioners with certain 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, Melur, 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 and 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/09/2021

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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,
MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12932 of 2021

Date :13/09/2021

MSA

MK/PN/SAR.I/23.09.2021/3P/5C