



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.13112 of 2021

1.Murugan
2.Thangavel
3.Jothi
4.Murugesan

... Petitioners/Accused Nos.1 to 4

Vs

State Rep. by
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(Crime No.416/2021).

... Respondent/Complainant

For petitioners: Mr.S.Pakalawan
Advocate.

For Respondent : Mr.T.Kottai Chamy
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail Crime No.416 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), 323, 336, 354A and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.416 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.08.2021 at about 01.00 p.m., when the defacto complainant was removing the sand from his patta land, the petitioners scolded the defacto complainant and his wife in filthy language and attacked them and threatened to kill them. Hence, the complaint.

3.The learned counsel for the petitioners submitted that on the date of occurrence, the defacto complainant tried to encroach the land belonging to the temple and when the same was questioned by the petitioners, there was a wordy quarrel. At that time, the defacto complainant attacked the petitioners. Hence, there is a counter



case in Crime No.418 of 2021.

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.

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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 Judge, Additional Mahila Court, Sivagangai, 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 Judge 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 Judge 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 Judge/ 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 Judge/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.

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<https://hcservices.ecourts.gov.in/hcservices/>



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 Judge, Additional Mahila Court, Sivagangai.
2. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.13112 of 2021
Date : 15.09.2021

TR/SKN/SAR-III (22.09.2021) 3P 4C