



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.09.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13511 of 2021

1.Mercy
2.Paralogam
3.Jesukani
4.Bakkiyamery

... Petitioners/Accused
Nos.1 to 4

Vs

State rep.by
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
(in Crime No.80 of 2021)

... Respondent/Complainant

For Petitioners : M/s.V.Sasikumar, Advocate
for M/s.A.Mohan, Advocate.

For Respondent : M/s.P.Kottaichamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.80 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 452, 294(b), 323, 506(i) and 379 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 in Crime No.80 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute between the petitioners and the de-facto complainant, the



petitioners trespassed into the de-facto complainant's house and attacked him and also caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners submits 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 strongly opposed this petition on the ground that investigation is yet to be completed. He fairly conceded that the injured person in this case has been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners and also the fact that the injured person has been discharged from the hospital, 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 (Additional Mahila Court), Srivilliputhur, Virudhunagar 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**

55601; and;



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

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Sd/-
14/09/2021

/ /2021
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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
(ADDITIONAL MAHILA COURT,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGR AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13511 of 2021
Date :14/09/2021