



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) .No.13682 of 2021

Siva @ Sivashanmugasundram

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Pettai Police Station,
Tirunelveli City.
Crime No.263 of 2021.

... Respondent/Complainant

For Petitioner : Mr.P.T.RAMESH 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 in Crime No.263 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 307, 323 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, in Crime No.263 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the third accused is the husband of the defacto complainant. The petitioner herein is an employee of the third accused and there was a family dispute between the defacto complainant and her husband/third accused. On 05.08.2021, there was a wordy a quarrel arose between the defacto complainant and her husband/third accused. In such occurrence, the defacto complainant was attacked by the third accused with hand and aruval, she had sustained injury. Further, the defacto complainant claims that her gold chain with thali were also missing.

3.The learned counsel for the petitioner would submit that the the defacto complainant is 45 years old and her husband is more than 70 years old and she had admitted that she is the 3rd wife of her husband. Since, the petitioner is very loyal to the defacto complaint's husband , he supported him in their family dispute. The



petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, the petitioner has two previous cases and the third accused has already been released on bail on considering his health condition. The dispute is between the third accused and the defacto complainant.

5.Taking into consideration of the facts and circumstances and also considering the fact that this is an employee of the third accused and the injured has already been discharged from the hospital and the third accused has already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Court concerned and on further conditions that:

(a)the petitioner 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 petitioner shall report before the respondent police daily twice at 10.30 a.m., and 05.00 p.m., until further orders;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/09/2021

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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 NO.V
TIRUNELVELI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAMESH RAJA P.T. Advocate SR.No.6298

ORDER

IN

CRL OP(MD) No.13682 of 2021

Date :16/09/2021

SA/JC/SAR.4/23.09.2021/3P/6C