



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14144 of 2021

1.Rajkumar

2.Prabhu

3.Babu @ Sathaiah ... Petitioners/Accused Nos.1 to 3

Vs

State Rep by
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.

Crime No.147/2021 ... Respondent/Coplainant

For Petitioners : Mr.M.S.Jeyakarthik, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.147 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 109, 294(b), 323, 355, 506(i) IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.147 of 2021, seek anticipatory bail.

2.The prosecution case is that when the defacto complainant was performing Vilaku Pooja in Sri Muthumariyamman Temple, the third accused, at the instigation of the other accused, developed wordy quarrel with her in filthy language and assaulted her. Hence, the complaint.



3.Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. To show their *bona fide*, they have sponsored accessories to the temple to the tune of Rs.30,000/- and have also filed an affidavit in this regard.

4.Heard the learned Government Advocate(Crl.side) appearing for the respondent police.

5.Considering the nature of allegation and the contribution made by the petitioners to the temple, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ilayangudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 file an undertaking affidavit in Tamil before the respondent police and before the learned Magistrate that they will not indulge in any such offence in future;

[c]the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[d]the petitioners shall not tamper with the evidence or witness either during the investigation or trial.

[e]the petitioners shall not abscond either during the investigation or trial.

[f]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]**.



[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/10/2021

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

gk

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,
Ilayangudi.
2. Do Through The Chief Judicial Magistrate,
Sivagangai.
- 3.The Inspector of Police,
Salaigramam Police Station,
Sivagangai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-7001[I] dated 07/10/2021)

ORDER IN
CRL OP(MD)No.14144 of 2021
Date : 06.10.2021

TR/PN/SAR-III(12.10.2021) 3P 6C