



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14284 of 2021

1. S.Sevalvakumar,
2. Sivakumar,

... Petitioners/Accused

Vs

State Rep by
The Sub Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi District.
(Crime No.119 of 2021).

... Respondent/ Defacto Complainant

For Petitioner : M/s. Chandrasekaran.T,
Advocate.

For Respondent : 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.119 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 323, 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act in Crime No.119 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners abused the defacto complainant in filthy language and attacked him with wooden log, due to which, the defacto complainant lost his teeth. Hence, the complaint.



3.The learned counsel for the petitioners submits that the petitioners are brothers and they are working as daily wage employees. The defacto complainant's daughter namely one Selvapushpam and the first petitioner loved each other and they got married against the wishes of the defacto complainant and his wife. Hence, they have given a false complaint against the petitioners. However, the petitioners are ready to file an undertaking affidavit before the concerned Court that they will not disturb the defacto complainant in any way.

4.The learned Government Advocate (Crl.Side) appearing for the respondent strongly opposed this petition on the ground that the defacto complainant lost his teeth in the above said occurrence and the petitioners brutally attacked the defacto complainant and his wife.

5. Considering the seriousness of allegations levelled against these petitioners, this Court by order dated 05.10.2021 directed the petitioners to draw a Demand Draft for a sum of Rs.20,000/- in favour of the defacto complainant. The petitioners have also drawn a Demand Draft for a sum of Rs.20,000/- and produced the copy the said Demand Draft before this Court.

6. The learned Government Advocate (Crl.Side) submits that the Demand Draft drawn by the petitioners has been accepted by the defacto complainant.

7.Considering the nature of allegation levelled against the petitioners, that it is a family dispute, and that to show their *bona fide*, the petitioners have also paid a sum of Rs.20,000/-, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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 Judicial Magistrate Court, Thoothukudi, 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 report before the respondent police station on 10.11.2021 a.m., until further orders.



(c) the petitioners shall file an undertaking affidavit before the concerned Court that they will not disturb the defacto complainant in any more;

(d) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during 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]***; and;

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

sd/-
20/10/2021

/ TRUE COPY /

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

CP

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,
Thoothukudi.
2. Do Through The Chief Judicial Magistrate,
Thoothukudi.



3. Sub Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.T.CHANDRASEKARAN, Advocate SR.No. 32052

ORDER IN
CRL OP(MD) No.14284 of 2021
Date : 20/10/2021

TR/PN/SAR-II(28.10.2021) 4P 6C