



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Thirtieth day of November Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) Nos.14529 & 14533 of 2021

1 GOWTHAM
2 THILAGAVATHI

... PETITIONER/ ACCUSED NO.2 AND 3
in CRL OP(MD) No.14529 of 2021

RAJENDRAN

... PETITIONER/ ACCUSED NO.1
in CRL OP(MD) No.14533 of 2021

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.125 OF 2021.

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

INDRA

... INTERVENING PETITIONER/
DE FACTO COMPLAINANT
IN CRL MP(MD).8248,8557/2021 IN
CRL OP(MD).14533,14529/2021

IN BOTH PETITIONS:

For Petitioner : MR.R.VENKATESAN, Advocate
For Respondent : MR.RMS.SETHURAMAN,
Additional Public Prosecutor
For Intervenor : Mr.J.VISHNU, Advocate

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

COMMON PRAYER :- For Anticipatory Bail in Crime No.125 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) IPC and Section 4 of TNPHW Act, in Crime No.125 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was civil dispute between the parties, due to which, the petitioners attacked the defacto complainant and abused her in filthy language. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there was some civil dispute between the parties, due to which, the petitioners attacked the defacto complainant and caused injury.

5.When the matter was taken up for hearing on 27.10.2021, this Court after hearing the learned counsels for the petitioners and the intervenor, has referred the matter for Mediation and also appointed Mr.B.Saravanan, learned counsel as Mediator. Subsequently, the learned Mediator has filed the report stating that the mediation ended in failure.

6.Considering the facts and circumstances of the case and the fact that there existed civil dispute between the parties, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and that the petitioners are not having any previous case for similar or serious offence as stated by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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, Thirupathur, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

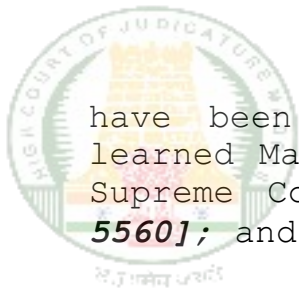
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/11/2021

/ TRUE COPY /

/ /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
THIRUPATHUR
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) Nos.14529 & 14533 of 2021
Date : 30/11/2021

das

SA/PN/SAR.3/14.12.2021/3P/5C