



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) Nos.14613, 14637 of 2021

1.K.Marisamy

(Wrongly mentioned in FIR as Marichamy)

2.K.Laksha Prabu

(Wrongly mentioned in FIR as Latchprabhu)

3.M.Manikandan

... Petitioners/Accused Nos.1 to 3
in Crl.OP.14613/21

R.Vignesh

... Petitioner/Accused No.4
in Crl.OP.14637/21

Vs

State Rep by
The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.142/2021)

... Respondent in both OPs

For Petitioners : Mr.T.Lajapathi Roy, Advocate
In both OPs

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
In both OPs

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.142 of 2021 on the file
of the respondent Police.



COMMON ORDER : The Court made the following order :

The petitioners, apprehending arrest at the hands of the respondent police for the offence under Sections 448, 294(b), 324, 427, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.142 of 2021, seek anticipatory bail.

2. The prosecution case is that the accused persons, due to previous enmity, have assaulted the defacto complainant, her son, threatened them with dire consequences and also damaged the articles worth about Rs.40,000/-. Hence, the complaint.

3. Learned Counsel for the petitioners submitted that this is a case in counter and that the petitioners are innocents and have not committed any offence as alleged by the prosecution. In fact, in the incident, the petitioners sustained injuries and they have taken treatment for more than nine days. He further submitted that the defacto complainant was granted anticipatory bail in the counter complaint, by the Sessions Court. Therefore, he prayed for grant of anticipatory bail.

4. Learned Government Advocate (Crl. Side), on instructions, submitted that the injured has been discharged from the hospital. He further submitted that the petitioners have not only assaulted the defacto complainant and her son, but also caused damage to two motorcycles and windows and other articles, to the tune of Rs.40,000/-.

5. In response, learned Counsel for the petitioners submitted that without prejudice to their defense before the trial Court, they are also prepared to deposit a sum of Rs.40,000/-, as claimed by the prosecution.

6. Considering the facts and circumstances of the case, nature of allegation, the fact that it is a case in counter and that the injured has been discharged from the hospital and the undertaking given by the petitioners that they would deposit a sum of Rs.40,000/-, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, these petitions are 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, Thirumangalam, Madurai District, 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



[a] the petitioners shall deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) together, to the credit of Crime No.142 of 2021, before the learned Judicial Magistrate, Thirumangalam, Madurai District;

[b] on production of receipt, the learned Magistrate shall accept the sureties;

[c] 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;

[d] the petitioners shall report before the respondent police daily at 10.30 am;

[e] the petitioners shall not tamper with the evidence or witness either during the investigation or trial;

[f] the petitioners shall not abscond either during the investigation or trial;

[g] 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 have been 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;

[h] if the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/10/2021

/ TRUE COPY /

/ /2021
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,
Thirumangalam,
Madurai.

2.Do Through The Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
Koodakovil Police Station,
Madurai District.

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

+2 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-7063 & 7064[I] dated
07/10/2021)

ORDER IN
CRL OP (MD) Nos.14613, 14637 of 2021
Date : 06.10.2021

TR/PN/SAR-II(12.10.2021) 4P 7C