



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14629 of 2021

1. Raja
2. Kondur Haritha ... Petitioners/Accused 1 & 2

Vs

State rep.by
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No. 217/2021). ... Respondent/Complainant

For Petitioner : M/s.Balamurugan.R, Advocate.

For Respondent : M/s.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. 217 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 294 (b), 323, 427, 506(ii), 379(NP) of IPC and Section 4 of Tamil Nadu Prohibition of Woman Harassment Act, in Crime No.217 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that due to family property dispute, A1 pulled the defacto complainant's saree in a public place, abused her, attacked her and her husband and also caused injuries. The petitioners also stolen the jewels and house-hold articles from the house of the defacto complainant.



3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that in fact, the defacto complainant's party threatened the petitioners and also assaulted him, for which, the petitioners lodged a complaint against the defacto complainant, which was registered in Crime No.169 of 2021. Therefore, this false complaint has been lodged against the petitioners.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5. It appears that the dispute is between the family members of the petitioners and the defacto complainant. Though certain allegations have been made against the petitioners that they broke open the house of the defacto complainant and took away the jewels from the bureau and also the valuable items on 26.05.2021, the complaint has been lodged only on 15.09.2021. Therefore, there is a delay in lodging the complaint.

6. Considering the facts and circumstances of the case and also considering the delay in filing the complaint, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the Criminal Original Petition is allowed. 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, Singampunari, 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:

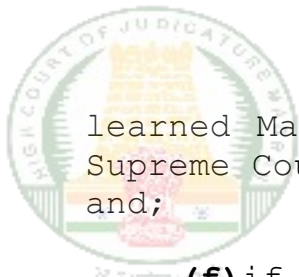
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with the 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
29/09/2021

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

OGY

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

ORDER
IN
CRL OP(MD) No.14629 of 2021
Date :29/09/2021