



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 05.10.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15072 of 2021

1.Karuppaye

2.Pasungili

... Petitioners/2<sup>nd</sup> & 3<sup>rd</sup> Accused

Vs

The State rep.by,

The Inspector of Police,

Gudalur North Police Station, Theni District.

In Crime No.386 of 2021.

... Respondent/Complainant

For Petitioners : Mr.P.Prakash

Advocate

For Respondent : Mr.P.Kottai Chamy

Government Advocate (Crl.Side)

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

PRAYER :-For an Anticipatory Bail in Crime No.386 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 427, 448, 294(b) and 506(ii) I.P.C, in Crime No.386 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners broke open the defacto complainant's house and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first accused in this case has caused problem and now, he was arrested and remanded to judicial custody. The first petitioner is the mother and the second petitioner is the wife of the first accused. The defacto complainant has obtained an exparte decree in the civil suit and even in the execution petition, no notice was served to the petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that due to civil dispute, there was a dispute between the petitioners and the defacto complainant. He would further submit that the investigation is yet to be completed.

WEB COPY

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the fact that it is a civil dispute and the gender of the petitioners, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, 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 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/10/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,  
UTHAMAPALAYAM.
  - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.
  - 3 THE INSPECTOR OF POLICE  
GUDALUR NORTH POLICE STATION, THENI DISTRICT.
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to Mr.J.SENTHIL KUMARAI, Advocate (SR-7028[I] dated 07/10/2021)

ORDER  
IN  
CRL OP(MD) No.15072 of 2021  
Date :05/10/2021

PNM/MSA  
MK/PN/SAR.I/20.10.2021/3P/6C