



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/11/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.16582 & 16584 of 2021

R.Sivagnanapandiyan ... Petitioner/Accused No.Rank Not Known
in Crl.OP(MD) No.16582 of 2021

S.Muthumani ... Petitioner/Accused No.2
in Crl.OP(MD) No.16584 of 2021

Vs

The State rep.by,
The Sub Inspector of Police,
Theppakulam Police Station, Madurai District.
Crime No.453 of 2021. ... Respondent/Complainant
in both Crl.O.Ps

For Petitioner : Mr.S.S.Sundarapandian,
Advocate.
(In Crl.OP.(MD) No.16582 of 2021)

For Petitioner : M/s.M.Mahendra Prabhu
Advocate.
(In Crl.OP.(MD) No.16584 of 2021)

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)
(in both Crl.O.Ps)

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

COMMON PRAYER :-For Anticipatory bail in Crime No.453 of 2021 on the
file of the Respondent Police

ORDER : The Court made the following common order :-

Heard the learned counsel appearing for the petitioner in both
Criminal Original petitions and the learned Government Advocate
(Crl. Side) appearing for the respondent.

2.The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147, 148, 294(b), 323, 324 and 506(ii) IPC and section 4 of Tamil
Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.453
of 2021, seeks anticipatory bail.



3.The case of the prosecution is that the defacto complainant's daughter namely Pandieswari has illegal intimacy with one Anbuchelvan, due to which the petitioners abused the defacto complainant's son in filthy language and also attacked him with Aruval. Therefore, the present case came to be registered.

4. These petitioners moved anticipatory bail earlier, which came to be dismissed by this Court on 29.09.2021, on the ground that the injured person was taking treatment in the Hospital by then.

5.Now, it is reported by the learned Government Advocate that the injured person is discharged from the Hospital and it is also reported that this is a case and counter case.

6.Considering the change in circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, these criminal original petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.I, Madurai, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before 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]**.



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2021

/ TRUE COPY /

/ /2021

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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 COURT NO.1,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) . Nos.16582 &
16584 of 2021
Date :30/11/2021

VRN
MK/PN/SAR.II/08.12.2021/3P/5C