



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.15839 of 2021

1. Antony Raja
2. Ayyammal
3. Mariya Antony

... Petitioners/Accused No.1 to 3

Vs

State rep.by
The Inspector of Police,
Nalattipudur Police Station,
Thoothukudi District.
(Crime No.380 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Balasubramanian.N, Advocate.

For Respondent : M/s.M.Muthumanickam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.380 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC in Crime No.380 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 03.10.2021, while the defacto complainant standing near his uncle complex, the first petitioner approached the defacto complainant and questioned about the work done by him and abused the defacto complainant in filthy

language and also attacked him with dire consequences. Hence, the present case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that the injured was treated as an out patient in the hospital and no previous case is pending against the petitioners.

5.Taking into consideration the facts and circumstances of the case, the injured has been treated as out patient, except Section 506(ii) I.P.C, all other offences are bailable in nature and also the fact the petitioners have not involved in any other offences, 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 No.I, Kovilpatti, Thoothukudi, 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 respondent police daily at 10.30 am., for the period of 30 days and thereafter, as and when required for interrogation.

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
12/10/2021

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

CP

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 NO.I,
KOVILPATTI, THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
3. THE INSPECTOR OF POLICE,
NALATTIPUDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15839 of 2021
Date :12/10/2021