



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15837 of 2021

1.I.Muniasamy
2.Pechiammal

... Petitioners/Accused Nos. 1 & 2

Vs.

State Rep by,
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
In Crime No.211 of 2021.

... Respondent/Complainant

For Petitioner : Mr.I.Suthakaran, Advocate
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

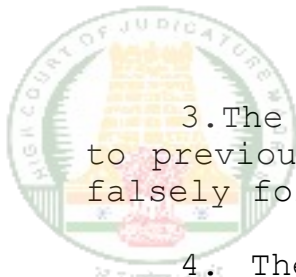
PRAYER :-

For Anticipatory Bail in Crime No.211 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506 (ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.211 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that due to land dispute, there is previous enmity between the petitioners' and the defacto complainant's families. On 07.10.2021, at about 12.15 hours, the accused pushed the utensils that were kept in front of the defacto complainant's house. When this was questioned by the defacto complainant's daughter-in-law, the petitioners have threatened her with dire consequence. Hence, the complaint.



3.The learned counsel for the petitioners would submit that due to previous enmity with regard to land dispute, this case has been falsely foisted against the petitioners.

4. The learned Additional Public Prosecutor, on instructions, would submit that no previous case is pending against the petitioners and the injured has been discharged from the Hospital.

5. Considering the fact that no previous case is pending against the petitioners, the fact that the injured has been discharged from the Hospital and also the fact that except the offence under Section 506(ii) of IPC, all other offences are bailable in nature this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruchuli and on them executing 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 cards or Bank pass Books to ensure their identity;

(b)the petitioners shall report before the Virudhunagar Bazaar Police Station daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required for interrogation;

(c)the petitioners shall not tamper with 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/-

12/10/2021

/ 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.

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUCHULI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTUR.
- 3 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
VIRUDHUNAGAR BAZAAR POLICE STATION,
VIRUDHUNAGAR.

+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-7219[I] dated 13/10/2021)

ORDER

IN

CRL OP(MD) No.15837 of 2021

Date :12/10/2021

MBI

MK/VR/SAR.IV/25.10.2021/3P/7C