



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

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.16125 of 2021

WEB COPY

1. Krishnan,

2. Karthick, ... Petitioners/Accused Rank No.1 & 2

Vs

The State through
The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
Crime No.345/2021

... Respondent/Complainant

For Petitioners : M/s.Chakkaravarthy.S.J.,
Advocate.

For Respondent : Mr.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.345 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 323 of IPC and Section 4 of Tamilnadu Prohibition of Woman
Harassment Act, in Crime No.345 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's
son was playing near Manthaikovil, at that time the petitioners
abused him and when the same was questioned by the defacto
complainant, the petitioners attacked him. Therefore, the present
case came to be registered.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they have been falsely
implicated in this case.

<https://hcservices.courtservice.in/hcservices> 4.The learned Government Advocate(Crl.side) appearing for the
respondent police submitted that the injured person has been
discharged from the hospital.



5.Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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6.Accordingly, this criminal original petition is 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 learned Judicial Magistrate No.II, Sivagangai District, 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 as and when required.

[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/-
25/10/2021

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

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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.II,
SIVAGANGAI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.J.CHAKKARAVARTHY, Advocate (SR-7430[I] dated
26/10/2021)

ORDER IN
CRL OP(MD) No.16125 of 2021
Date :25/10/2021

SB/SKN/SAR-II/02.11.2021/3P/6C