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

Date : 26/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16243 of 2021

1.Kamalakaran,

2.Ponram @ Ramu, ... Petitioners/Accused Nos.1 & 3

Vs

State Rep by
The Inspector of Police,
Samayanallur Police Station,
Samayanallur,
Madurai District.
Cr.No.394 of 2021.

...Respondent/Complainant

For Petitioners: Mr.Palanisamy.T,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.394 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 & A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 420, 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.394 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are neighbours. Due to previous enmity, there was a long quarrel between the petitioners and the de-facto



complainant, in which, the petitioners abused the *de-facto* complainant by using filthy language and also threatened her with Aruval. Hence, the case has been registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seek anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that no one sustained injury.

5.Considering the facts and circumstances of the case and also considering the fact that no one sustained injury, 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 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, T.Vadipatti, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 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]**.



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

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

vsd

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,
T.Vadipatti, Madurai.
- 2.Do Through The Chief Judicial Magistrate,
Madurai.
- 3.The Inspector of Police,
Samayanallur Police Station,
Samayanallur,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.16243 of 2021
Date : 26/10/2021

TR/SKN/SAR-I(02.11.2021) 3P 5C