



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/11/2021

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.16676 of 2021

1. Krishnan
2. Mallika

... Petitioners/Accused No.2 & 6

Vs

The State rep.by,
The Inspector of Police,
Vaiyampatti Police Station,
Manaparai Taluk,
Tiruchirappalli District
(Crime No.425 of 2021)

... Respondent/Complainant

For Petitioners: Mr.M.Karunanithi,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No. 425 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.2 and 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 506(ii) I.P.C. and 4 of TNPHW Act, 2002, in Cr.No.425 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was civil dispute between the parties, due to that, the accused persons went to the house of the defacto complainant, assaulted and abused her in filthy language and also criminally intimidated her. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent. Injured was discharged from the hospital. Due to previous enmity between the parties, a false case has been foisted against the petitioners. Hence, he seeks
<https://www.courts.madras.gov.in/cse/judges/> to the petitioners.



4.The learned Additional Public Prosecutor would submit that there is a civil dispute between the parties and the injured was discharged from the hospital. No previous case is pending against the petitioners.

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5.Considering the facts that there was property dispute pending between the parties, that the injured was already discharged from the hospital, that the petitioners are not having any previous cases for similar or serious offence and that except the offence under Sections 506(ii) I.P.C. and 4 of TNPHW Act, all other offences are bailable in nature, this Court is inclined to grant bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Manapparai, Trichy 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30a.m., for period of one month 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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,
MANAPPARAI, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION, MANAPARAI TALUK,
TIRUCHIRAPPALLI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16676 of 2021
Date :12/11/2021

PNM
MK/VR/SAR.I/19.11.2021/3P/5C