



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16945 of 2021

1. Raman
2. Lakshmanan

... Petitioners/ Accused
No.1 and 2

Vs

State rep.by
The Inspector of Police,
AWPS Manapparai Police Station,
Trichy District.
(Crime No. 27 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Azhageson.A,Advocate.

For Respondent : M/s.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

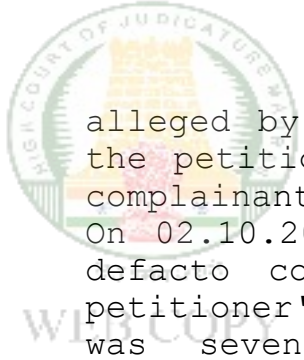
For Anticipatory Bail in Crime No.27 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 and 2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 354(A), 354(B), 294(b) of I.P.C and Section 4 of Prohibition of Woman Harassment Act in Crime No.27 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that while the defacto complainant was taking bath, the petitioners videographed the same and on 02.10.2021, when the defacto complainant was in her house, the petitioners entered into the house and misbehaved with her and also assaulted her. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as



alleged by the prosecution. In fact, there was a dispute between the petitioners and the defacto complainant's family. The defacto complainant's family members tried to grab the petitioners' land. On 02.10.2021, when the second petitioner's wife was at home, the defacto complainant and her family members trespassed into the petitioner's house and assaulted the second petitioner's wife, who was seven-months pregnant and she also sustained injuries. Therefore, a case has been registered against the defacto complainant in Crime No.425 of 2021. Therefore, this case has been foisted as if the petitioners have threatened the defacto complainant that they have taken photographs of his wife, while she was taking bath.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the fact that it is a case and counter case, 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, 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 learned Judge 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 the respondent police daily at 10.30 a.m., until further orders;

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

7.The petitioners shall surrender their mobile phones to the respondent police and the respondent police shall verify as to whether any such photographs are available and also refer the mobile phones for expert opinion.

Sd/-
02/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
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,
MANAPPARAI, TRICHY.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
AWPS MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16945 of 2021
Date :02/11/2021