



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

Date : 01.11.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16893 of 2021

WEB COPY

1.Vijayalakshmi
2.Thangamani
3.Vasanthi

... Petitioner No.1/Accused No.1
... Petitioner No.2/Accused No.2
... Petitioner No.3/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Austinpatti,
Madurai District.
(Crime No.315 of 2021)

... Respondent

For Petitioners : Mr.R.Alagumani
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.315 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A2 and A5 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 294(b), 324 and 506(2) IPC, in Crime No.315 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the first petitioner. Due to misunderstanding between the first petitioner and the de-facto complainant, both were living separately. On 18.10.2021, the de-facto complainant went to the first petitioner's house, there was a quarrel between the husband and wife, all the accused abused the de-facto complainant in filthy language and attacked the de-facto complainant with slipper, stick, stone and backside of billhook and also damaged her bike. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they are in no way connected with the offence as alleged by the prosecution. Hence, he prayed for grant of



4.The learned Government Advocate (Crl. side) for the respondent police submitted that no one suffered injury in the alleged occurrence.

5.Considering the facts and circumstances of the case, the nature of allegations made against the petitioners and no one suffered injury in the alleged occurrence, this Court is inclined to grant anticipatory bail to the petitioners.

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, Thirumangalam, 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 Judge 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 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;

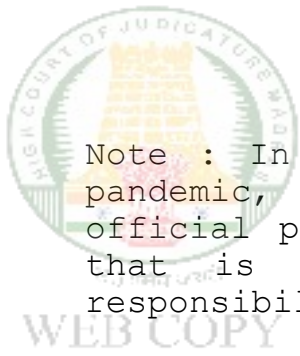
(e)on breach of any of the aforesaid conditions, the learned Judge/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judge/Trial Court himself as laid down by the 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/-
01/11/2021

/ 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 JUDICIAL MAGISTRATE,
THIRUMANGALAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
AUSTINPATTI,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16893 of 2021
Date:01/11/2021

RS/JM/SAR2 (15.11.2021) 3P 5C