



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.16916 of 2021

WEB COPY

1. Bavan

2. Dhanam @ Dhanaselvi ... Petitioners/ Accused No.1 and 2
Vs

The State Rep.by

The Inspector of Police,

All Women Police Station,

Tiruchendur,

Thoothukudi District

(Crime No. 23 of 2021). ... Respondent/Complainant

For Petitioner : No appearance

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 23 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2 apprehending arrest for the alleged offence punishable under Sections 294(b), 506(i) I.P.C and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 1998 in Crime No.23 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the landlord and the petitioners are tenants. The petitioners defaulted in paying the rent and demanded Rs.20,00,000/- for vacating the house. When the same was questioned by the defacto complainant, the petitioners abused her in filthy language and also threatened her with dire consequences. Hence, the complaint.

3.Today, when the matter is taken up for hearing, there is no representation on behalf of the petitioner either in person or through counsel.

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

<https://hcservices.ecourts.gov.in/hcservices/>



completed. He would further submit that no one has been injured in this case.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, and also the fact that no one has been injured, 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, Sathankulam, 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 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.

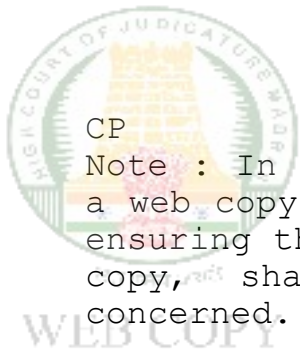
sd/-

02/11/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
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, Sathankulam,
2. -do-Through The Chief Judicial Magistrate,
Thoothukudi.
3. The Inspector of Police,
All Women Police Station, Tiruchendur,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.16916 of 2021

Date :02/11/2021

RD/CN/SAR-IV (17.11.2021) 3P 5C