



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

Date : 20/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.17057 of 2021

WEB COPY

1. C.Archunan
2. C.Manojkumar
3. T.Kumaresan
4. S.Soosairaj

... Petitioner/Accused Nos.A1,A2,A4&A5

Vs

State Rep.by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Cr.No. 1030/2021).

... Respondent/Complainant

For Petitioners: Mr.K.S.Durai Pandian,
Advocate.

For Respondent : Mr.SS.Madhavan,
Govt.Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1030 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 448, 323, 427, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 @ 147, 148, 294 (b), 448, 323, 427, 307, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.1030 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 14.09.2021 at about 06.30PM, the petitioners had assaulted the *defacto* complainant in front of her house and demolished her household articles. Hence, the complaint.

3.The learned counsel for the petitioners would submit that it is a case in counter, based upon the complaint given by the first petitioner, the counter case was registered in Crime No.1029 of 2021 against the *defacto* complainant party and that the injured was discharged from the hospital. Hence, prays to release them on



anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the first petitioner, case in counter was registered in Cr.No.1029 of 2021 for the offences under Sections 294(b), 324, 506(ii) IPC, against the defacto complainant party and in this case injured was discharged from the hospital.

5.As far as this case is concerned, this case was registered for the offences under Sections 147, 148, 294(b), 448, 323, 427, 506 (ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, later it has been altered into 307 IPC. Reading of the FIR shows that the defacto complainant sustained injury on backside of head. The reading of counter FIR shows that due to some previous occurrence, subsequent occurrence taken place between two groups, in which, the first petitioner was sustained injuries. In both cases, injured were discharged from the hospital and date of occurrence stated as 14.09.2021. In the counter case, time was mentioned as 06.00PM, whereas, in this case it was mentioned as 06.30PM.

6.Considering the facts and circumstances of this case, nature of dispute between the parties, that injured was discharged from the hospital and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate, Pattukkottai and on their executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

20/12/2021

/ 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,
Pattukkottai.
- 2.Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.17057 of 2021
Date :20/12/2021

RS/JM/SAR.1 (28.12.2021) 3P-5C