



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17327 of 2021

1. Nagammal
2. Karuppasamy

... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Sub Inspector of Police,
A. Mukkulam Police Station,
Virudhunagar District.
(Crime No.80 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Jothibasam., Advocate.
For M/s.G.M.Law Office

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.80 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 I.P.C., and Section 4 of TNPHW in Cr.No.80 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a dispute between the petitioners and the defacto complainant in taking water in the common hand pump and due to that dispute, on 21.09.2021 at 05.45 hours, the accused scolded the defacto complainant by using abusive words and caused simple injury by using hands and stick. Hence, the present complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there is a dispute between the parties, who are neighbours, in taking water and the injured was discharged from the hospital on 21.09.2021.

5. Considering the facts that there existed neighbourhood dispute between the parties, that the injured was discharged from the hospital on 21.09.2021 and that except the offence under Section 4 of TNPHW, other offences are bailable in nature, this Court is inclined to grant anticipatory 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, Tiruchuli Virudhunagar 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 10.30 a.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.

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Sd/-
10/11/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSL

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,
TIRUCHULI, VIRUDHUNAGAR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
A. MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JOTHIBASU.M., Advocate SR.No.7969

ORDER
IN
CRL OP(MD) No.17327 of 2021
Date :10/11/2021

SP/JM/SAR III/15/11/2021/3P/6C