



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17321 of 2021

1. Vaiyapuri
2. Backiyam

... Petitioners/Accused
nO.1 & 3

Vs

State rep.by
The Inspector of Police,
Musiri Police Station,
Musiri,
Trichy District.
(Crime No.439/2021).

... Respondent/Complainant

For Petitioners : M/s. Arunraj.K, Advocate.

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.439 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 and 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427, 323 and 506(ii) I.P.C., and Section 4 of Women Harassment Act in Cr.No.439 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, the petitioners scolded the defacto complainant by using filthy language and assaulted her with dire consequences. 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 property dispute between the parties and the injured was discharged from the hospital on 30.10.2021. He would further submit that in the alleged occurrence, the petitioners damaged the four window glasses.

5. Considering the facts that there existed property dispute between the parties, that the injured was discharged from the hospital on 30.10.2021 and that except the offences under Section 506(ii) I.P.C., under Section 4 of TNPHW, other offences are bailable in nature and also considering the fact that the petitioners caused damage to four window glasses, this Court is inclined to grant anticipatory bail to the petitioners, but 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, Musiri, 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 shall deposit a sum of **Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172)**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
10/11/2021

/ TRUE COPY /

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

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.17321 of 2021
Date :10/11/2021