



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17516 of 2021

1. Magudeeswaran
2. Ramaraj

... Petitioners/Accused No.1 & 2

Vs

The StateRep. by
The Inspector of Police,
Keeranur Police Station,
Dindigul District.
(Crime No.333 of 2021)

... Respondent/Complainant

For Petitioners : M/s.S.Muniyandi
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

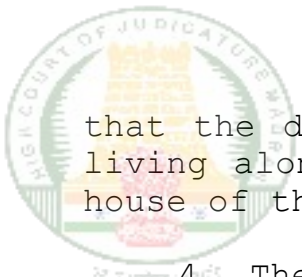
For Anticipatory bail in Crime.No. 333 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/accused 1 and 2, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 447, 294(b), 324 and 506(ii) IPC, in Crime No.333 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that on 03.09.2021, due to previous enmity, the accused trespassed into the house of the defacto complainant and consequent to that, there was a wordy quarrel between them, due to which, the accused attacked the defacto complainant with stick and hands. Hence, the case.

3. This is the second anticipatory bail petition. The earlier anticipatory bail petition was dismissed by this Court, vide order dated 24.09.2021, in Crl.O.P.(MD)No.13286 of 2021, based on the allegations that the petitioners, by taking advantage of the fact



that the defacto complainant, who is a widow and her daughter are living alone without the support of male members, entered into the house of the defacto complainant and abused her in filthy language.

4. The learned counsel appearing for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. In fact, there was a dispute between the defacto complainant and the female members of the petitioners' family while taking drinking water in the street, at that time, the petitioners advised them. Enraged over the same, the defacto complainant gave a false complaint against the petitioners. However, the petitioners have filed an undertaking affidavit before this Court that they will not disturb the defacto complainant and her family in future. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

6. Considering the allegations levelled against parties and also considering the undertaking affidavit filed by the petitioners before this Court that they will not disturb the defacto complainant and her family in future, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palani, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

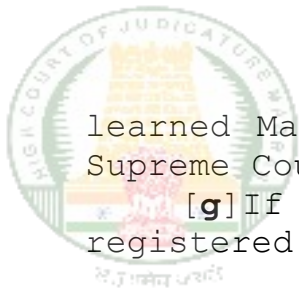
[b] the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

[c] the petitioners shall also file similar undertaking affidavit as has been filed before this Court, before the respondent Police.

[d] the petitioners shall not tamper with the 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 are 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]**.
[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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

OGY

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,
PALANI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MANOCHARAN, Advocate (SR-8582[I] dated 26/11/2021)

ORDER
IN
CRL OP (MD) No.17516 of 2021
Date : 24/11/2021

VB/VR/SAR-IV/29.11.2021/3P/6C