



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/11/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.17589 of 2021

1.Veldurai

2.Ragu Sakthivel

3.Vijay Selvaraj ... Petitioners/Accused Nos.1 to 3

Vs.

The State Rep.by
The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
(Cr.No.318 of 2021)

... Respondent/Complainant

For Petitioners: Mr.Ilayaraja.R,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.318 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.318 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are neighbours and there is previous enmity between them with regard to flow of drainage water. While so, on 03.10.2021, at about 10.00 p.m, the petitioners picked up quarrel with the defacto complainant, abused her and assaulted her. Hence, the complaint.



3.This is the second anticipatory bail application and the earlier anticipatory bail application filed by them in Crl.OP(MD) No.15789 of 2021 was dismissed by this Court on 12.10.2021 on the ground that the offence is serious in nature and the injured was not discharged from the hospital.

4.The learned counsel for the petitioners submitted that due to previous enmity, this case has been foisted against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Additional Public Prosecutor appearing for the respondent police submitted that the injured person has been discharged from the hospital. He further submitted that no previous case is pending as against the petitioners.

6.Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, 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 District Munsif Cum Judicial Magistrate No.III, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 respondent police daily at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation;

[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]**.

[f]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.

vsd

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 District Munsif Cum Judicial Magistrate No.III,
Thoothukudi.

2. -do-Through The Chief Judicial Magistrate,
Thoothukudi.

3.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M/S.R.ILAYARAJA, Advocate (SR-8014[I] dated 12/11/2021)

ORDER
IN
CRL OP(MD) No.17589 of 2021
Date :12/11/2021

RD/CN /SAR-II (17.11.2021) 3P 6C