



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

Date : 19.11.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.17498 of 2021

WEB COPY

1.Sumathi
2.Nallammal

... Petitioners/Accused No.2&3

Vs

State Rep. By
The Inspector of Police,
Karaiyur Police Station,
Pudukottai District.
Cr.No.214/2021

... Respondent/Complainant

For Petitioners : Mr.M.Pitchai Muthu
Advocate.

For Respondent : Mr.S.Manikandan
Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.214 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506(ii) IPC in Crime No.274 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the de-facto complainant, on the date of occurrence, the petitioner and other accused trespassed into the de-facto complainant's house, abused the de-facto complainant in filthy language and A1 attacked him with iron pipe and also caused injury. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the co-accused had already been arrested and released on bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the injured was already



discharged from the hospital. He would further submit that the petitioners are having no previous case.

5.Considering the facts that there existed previous enmity between the parties, that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature, that the petitioners are not having any previous case for similar or serious offence and also the fact that the co-accused had already been arrested and released on bail, 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 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, Illuppur, Pudukottai 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 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 learned 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. for a period of one month 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;

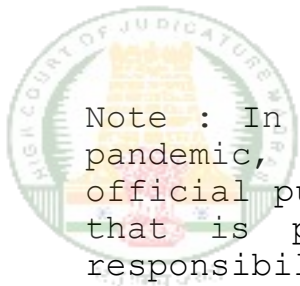
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
19/11/2021

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE,
ILLUPPUR, PUDUKOTTAI.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
- 3.THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17498 of 2021
Date :19/11/2021

SB/PN/SAR-I/24.11.2021/3P/5C