



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17738 of 2021

1.Sundari
2.Nandhini @ Kani
3.Praveena @ Pavatharani
4.Prasad @ Prasanth

... Petitioners/Accused
Nos.1 to 4

Vs

The State represented by
The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
(In Crime No.388 of 2021).

... Respondent/Complainant

For Petitioners : Mr.P.Prabakaran
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.side)

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

PRAYER :-

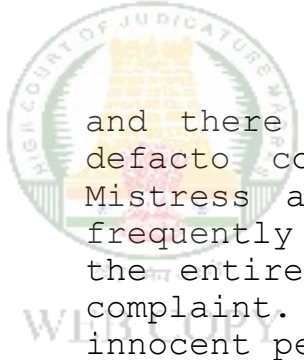
For Anticipatory Bail in Crime No.388 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 355, 427 and 506(i) of IPC, in Crime No.388 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioners came to the defacto complainant's house, abused the defacto complainant in filthy language, assaulted her and caused simple injury. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the defacto complainant is the first petitioner's daughter-in-law



and there is no dispute between the petitioners 2 to 4 and the defacto complainant. The first petitioner is a retired Head Mistress and she is a cancer patient. The defacto complainant frequently tortured the first petitioner that she should hand over the entire retirement benefits to her and has lodged this false complaint. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioners are not having any previous antecedent. He would further submit that the investigation is yet to be completed.

5. It seems that anticipatory bail was already granted to the petitioners in Crl.O.P.(MD)No.17738 of 2021 on 31.08.2021. Since the petitioners could not comply with the condition, the petitioners have filed the present petition for anticipatory bail.

6. Considering the facts and circumstances of the case and also considering the fact that this Court has already granted anticipatory bail to the petitioners, this Court is inclined to enlarge the petitioners on anticipatory bail.

7. Accordingly, this Criminal Original Petition is allowed 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 Judicial Magistrate No.III, Dindigul 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

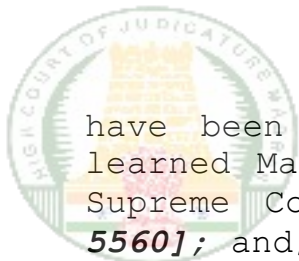
(b) the first petitioner shall report before the respondent police as and when required for interrogation.

[c] the second petitioner shall report before the Vadipatti Police Station daily at 10.30 a.m., until further orders. The petitioners 3 & 4 shall report before the Samayanallur Police Station daily at 10.30 a.m., until further orders.

(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 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

22/11/2021

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/ /2021

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

AM

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 NO.III,
DINDIGUL.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
AMBATHURAI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

1. THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
DINDIGUL DISTRICT.
2. THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
DINDIGUL DISTRICT.

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-8450[I] dated 24/11/2021)

ORDER

IN

CRL OP(MD) No.17738 of 2021

Date : 22/11/2021