



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17631 of 2021

1. Kumar @ Sivakumar
2. Jayarani

... Petitioners/Accused Nos.2 & 4

Vs

The State rep.by
The Sub Inspector of Police,
Gandhi Market Police Station,
Gandhi Market, Trichy,
Trichy District.
(In Crime No.885 of 2021).

... Respondent/Complainant

For PetitionerS: Mr.R.SAKTHIVEL,
Advocate.

For Respondent : Mr.S.S.MADHAVAN,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No. 885 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323 IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No. 885 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused, assaulted the defacto complainant and also threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that there was civil dispute between the parties. Injured was discharged from the hospital. He would also submit that the petitioners are not having any previous case.



4.The learned Government Advocate(Crl.Side) would submit that the petitioners are not having any previous case to their credit. He would concede that injured was discharged from the hospital.

5.Considering the facts that there existed civil dispute between the parties, that the injured was discharged from the hospital, that except the offences under Sections 506(ii) IPC and 4 of Tamil Nadu Woman Harassment Act, all other offences are bailable in nature and that the petitioners are not having any previous case for similar or serious offence, 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, Additional Mahila Court (Judicial Magistrate Level), Trichy, 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent Police Station daily at 10.30 pm for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/11/2021

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT
(JUDICIAL MAGISTRATE LEVEL)
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION,
GANDHI MARKET, TRICHY,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.17631 of 2021

Date :15/11/2021

SA/PN/SAR.2/19.11.2021/3P/5C