



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.17689 of 2021

1. Anand
2. Vigneshwar
3. Sridharan
4. Rajasekar
5. Ashok
6. Gomathi
7. John William

... Petitioners/Accused No.1 to 7

Vs

The State rep.by,
The Inspector of Police,
Kollidam Police Station,
Trichy District.
In Crime No.377 of 2021.

... Respondent/Complainant

For Petitioners: Mr.A.Arunprasad,
Advocate.

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

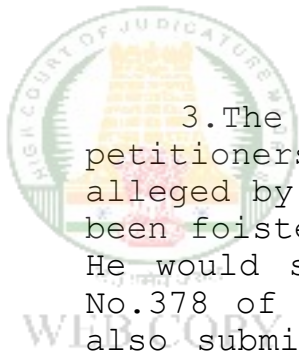
PETITION FOR ANTICIPATORY BAIL UNDER SEC.438 OF CR.P.C

PRAYER :-For Anticipatory Bail in the Crime No.377 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 147, 148, 294(b), 323, 324, 427 and 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No. 377 of 2021, seek anticipatory bail.

2.The case of the prosecution is that while cracking crackers for Diwali festival, a dispute arose between the petitioners and the *defacto* complainant's son. Due to that, the petitioners had scolded the *defacto* complainant and his wife in filthy language, assaulted and also threatened them with dire consequences. Hence, the



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. Due to previous enmity, a false case has been foisted against them. Injured was discharged from the hospital. He would submit that a counter case has been registered in Crime No.378 of 2021 against the *defacto* complainant and party. He would also submit that the petitioners are not having any previous case and seek anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners are not having any previous case to their credit and raised his strong objection to release the petitioners on bail. However, he would concede that injured was discharged from the hospital. He would further submit that it is a case and counter case and the counter case has been registered in Crime No.378 of 2021 as against the *defacto* complainant party.

5.Considering the fact that there existed civil dispute between the parties, that the injured was discharged from the hospital, that the counter case in crime No.378 of 2021 is pending against the *de-facto* complainant and party, that the petitioners are not having any previous case for similar or serious offence and that except the offences under Sections 506(ii) IPC and 4 of Tamil Nadu Woman Harassment Act, all other offences are bailable in nature, 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, Srirangam, 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:

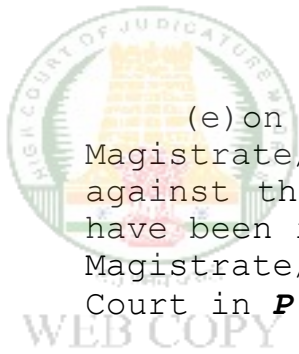
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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;

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



(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

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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,
SRIRANGAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOLLIDAM POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17689 of 2021

Date :15/11/2021

PNM

MK/VR/SAR.III/19.11.2021/3P/5C