



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/12/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.17810 of 2021

1. Alexander
2. Tamilmani

... Petitioners/Accused No.1 & 2

Vs

The state represented by
The Inspector of Police,
Thiruvegampathur Police Station,
Sivagangai District.
Cr.No.185/2021.

... Respondent/Complainant

For Petitioner : M/s.Veerakumar.T,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.185 of 2021 on the file of
the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2.The petitioners, who apprehend arrest at the hands of the
respondent police, in connection with the case in Crime No.185 of
2021, for the alleged offences punishable under Sections 294(b), 323
IPC and Section 4 of Prohibition of Harassment of Women Act, 2002,
seek anticipatory bail.

3.The case of the prosecution is that due to civil dispute,
the petitioners/accused have attacked the defacto complainant and
his wife with wooden log. Hence, the complaint.

4. These petitioners moved anticipatory bail earlier, which
came to be dismissed by this Court on 05.10.2021, on the ground that
the victim was taking treatment in the hospital.

5.Now, the second application is moved with a plea that
these petitioners are even ready to pay a sum of Rs.10,000/- towards
medical expenses to the defacto complainant and they have also
offered the same to the defacto complainant. According to the
petitioners, the defacto complainant is refused to received the
amount.



6. Recording the said submission made on behalf of the petitioners that even though the petitioners offered a sum of Rs.10,000/- to the defacto complainant and he refused to receive the same, this Court is inclined to grant anticipatory bail to the petitioners.

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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 Judicial Magistrate Court, Devakottai, Sivagangai, 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 Judge 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.

[a] (1) the petitioners shall deposit a sum of Rs.10,000/- to the credit of Crime No.185 of 2021, on the file of the Thiruvegampathur Police Station, Sivagangai.

[b] the petitioners shall report before respondent police daily at 10.30 a.m, until further orders.

[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.

sd/-

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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.

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- TO
- 1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
 - 3 THE INSPECTOR OF POLICE
THIRUVEGAMPATHUR POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17810 of 2021
Date :14/12/2021

VRN
SA/PN/SAR-III/21.12.2021 : 3P/5C