



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17800 of 2021

1. Gobi
2. Grebin Raj

... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Inspector of Police,
Thirunagar Police Station,
Madurai City.
(Crime No.538 of 2021).

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah, Advocate.

For Respondent : M/s.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.538 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.538 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was neighbourhood dispute between the parties, due to that, on 10.11.2021 at about 09.00AM, the petitioners had abused the defacto complainant with filthy language, assaulted them with iron rod and also threatened them with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners would submit that a counter case has been registered in Crime No.539 of 2021 against the *defacto* complainant party and the petitioners are innocents and not committed any offence as alleged by the prosecution. He would also submit that the petitioners are not having any previous case and injured was discharged from the hospital.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is not yet completed. He would further submit that injured was discharged from the hospital, that petitioners are not having any previous case and that it is a case and counter case and the counter case has been registered in Crime No.539 of 2021 as against the *defacto* complainant party.

5.Considering the facts that there existed neighbourhood dispute between the parties, that injured was discharged from the hospital, that except the offence under Section 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature, that the counter case in crime No.539 of 2021 is pending against the *defacto* complainant and party and that the petitioners are not having any previous case of 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), Madurai, 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 daily at 10.30 am 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/-
16/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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),
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17800 of 2021
Date :16/11/2021