



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/11/2021

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PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

**CRL OP(MD) . No.18226 of 2021**

1. Aravind Kumar
2. Subburaj
3. Chellapandi

... Petitioners/Accused  
No.1 to 3

Vs

State rep.by  
The Inspector of Police,  
Vachakkarapatti Police Station,  
Virudhunagar Taluk,  
Virudhunagar District.  
(Crime No.202/2021).

... Respondent/Complainant

For Petitioners: M/s.Mariappan G, 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.202 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(B), 323, 324 of IPC and Section 4 of Tamil Nadu Prohibition Woman Harassment Act, 2005, in Crime No.202 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the petitioners and the defacto complainant, the petitioners abused the defacto complainant with filthy language and also attacked her and her son and caused injuries. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that the injured was also discharged from the hospital.

5.Considering the fact that there existed civil dispute between the parties, that the injured was discharged from the hospital and that except the offence under Section 4 of Tamil Nadu Prohibition Woman Harassment Act, 2005, 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 their 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 No.I, Virudhunagar, 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 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 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;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-  
22/11/2021

/ TRUE COPY /

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

dss

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.I,  
VIRUDHUNAGAR.
  2. -DO-THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
  3. THE INSPECTOR OF POLICE,  
VACHAKKARAPATTI POLICE STATION,  
VIRUDHUNAGAR TALUK,  
VIRUDHUNAGAR DISTRICT. CR.NO.202/2021.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.MARIAPPAN G Advocate SR.No.8390

ORDER  
IN  
CRL OP (MD) No.18226 of 2021  
Date :22/11/2021