



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 23/11/2021

PRESENT

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

**CRL OP(MD) . No.18264 of 2021**

1.Manikandan  
2.Dharmadurai

... Petitioners/  
Accused Nos.1 and 2

Vs

State rep.by  
The Inspector of Police,  
Ilayankudi Police Station,  
Sivagangai District.  
(Crime No.460/2021).

... Respondent/Complainant

For Petitioners: M/s.K.Sathish Kumar, Advocate.

For Respondent : M/s.S.S.Madhavan  
Government Advocate (Crl.Side)

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

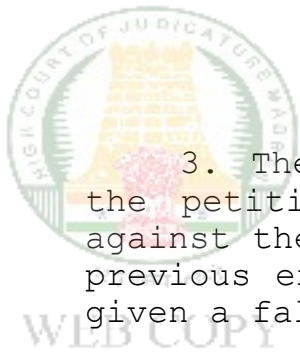
PRAYER :-

For Anticipatory Bail in Crime No.460/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506(ii) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.460 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioners are neighbours. Due to previous dispute the petitioners abused the defacto complainant with filthy language and threatened her. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. The petitioners and the defacto complainant are having previous enmity and to wreck vengeance, the defacto complainant had given a false complaint.

4. The learned Government Advocate (Crl. Side) would submit that no one was injured in the occurred and no previous case has been filed against the petitioners herein.

5. Considering the facts that there existed neighbourhood dispute between the parties and also the fact that except the offence under Section 506(ii) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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, Ilayankudi, 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 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.

WEB COPY

Sd/-  
23/11/2021

/ TRUE COPY /

/ /2021

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

pnn

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

+1. CC to M/S. SATHISH KUMAR.K. Advocate SR.No.8483

ORDER  
IN  
CRL OP(MD) No.18264 of 2021  
Date :23/11/2021