



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18292 of 2021

1.Sarasvathi

2.Sargunam

... Petitioners/ Accused Nos.1 and 2

Vs

State represented by
the Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
In Crime No.66/2021.

... Respondent/Complainant

For Petitioners: Mr.R.Karunanidhi,
Advocate.

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

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

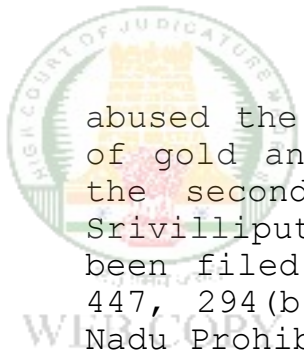
PRAYER :-For Anticipatory Bail in Crime No.66/2021 on the file of
the Respondent Police.

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
447, 294(b), 336, 324, 323, 379 and 506(i) of IPC in Crime No.66 of
2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
and the petitioners are having adjacent land properties. In a wordy
quarrel, the petitioners have threatened the defacto complainant
with dire consequences and used filthy languages. Hence the
complaint.

3. The learned counsel for the petitioners would submit that
the petitioners are living with their aged mother. On the date of
occurrence, the defacto complainant and her husband, due to previous
https://www.mca21.com/court/hc/cases/



abused the first petitioner. They have also snatched 5 sovereigns of gold and a mobile phone from the petitioners. Due to injuries, the second petitioner was admitted in the Government Hospital, Srivilliputhur and he is under treatment till date. A case has also been filed in Crime No.67 of 2021 for the offences under Sections 447, 294(b), 323, 341, 379, 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment Women Act.

4.The learned Government Advocate(Crl.Side) would submit that the injured was treated as out patient. No previous case has been filed against the petitioners herein.

5.Considering the facts that there existed neighbourhood dispute between the parties, that the injured was treated only as an out patient and that except the offences under Sections 379 and 506 (i) of IPC , all other offences are bailable in nature and also the fact that a case in counter in Crime No.67 of 2021 is pending against the defacto complainant, 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 No.I, Srivilliputhur, 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 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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/ /2021

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 NO.I,
SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18292 of 2021
Date :23/11/2021

pnn
MK/VR/SAR.II/30.11.2021/3P/5C