



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.11.2021

PRESENT

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

CRL OP(MD). No.18316 of 2021

1.N.Arumughasamy

2.Senthil Arumugham @

Senthila Arumugha Lakshmi

... Petitioners/
Accused Nos.1 and 2

Vs

State rep by

The Inspector of Police,
Sayalkudi police station,
Ramanathapuram District.

Crime No.440 of 2021

...Respondent/Complainant

For Petitioners: Mr.K.Kumaravel
Advocate.

For Respondent : Mr.S.Manikandan
Government Advocate (Crl.side)

For Intervener : Mr.Chandra Pandi
(Petition not filed)

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

PRAYER :-

For Anticipatory Bail in Crime No.440 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 294(b), 324, 355 and 506(ii) of IPC in Crime No.440 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.When the matter was taken up on 23.11.2021, Mr.Chandra Pandi, learned counsel sought time for filing the intervening petition. When the matter was taken up today, the learned counsel would submit that he has not received vakalat and he could not file the intervening petition within the time. He would further submit that this Court may grant bail with some stringent conditions.



relatives. The petitioners have caused injury to the defacto complainant. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the second petitioner is the wife of the first petitioner and that the second petitioner is the own sister of the defacto complainant and there existed family dispute between them, Since the daughter of the petitioners was in love with the son of the defacto complainant and they got married and living separately. He would further submit that the petitioners are innocent and they have been falsely implicated in this case.

5. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the injured was discharged from the hospital and no previous case is pending against the petitioners herein.

6. Considering the fact that there existed family dispute between the parties and that the injured was discharged from the hospital, and also the fact that except the offences under Section 506(ii) of IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. 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, Sayalkudi, Ramanathapuram District, 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



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

Sd/-
26/11/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
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, SAYALKUDI,
RAMANATHAPURAM DISTRICT.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
 3. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.KUMARAVEL, Advocate (SR-8576[I] dated 26/11/2021)

ORDER
IN
CRL OP(MD) No.18316 of 2021
Dated: 26.11.2021

VB/JM/SAR-III/03.12.2021/3P/6C