



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18721 of 2021

1. Nallaiyan
2. Dinesh @ Thirumoorthy
3. Prakash
4. Ramesh

... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Vathalai Police Station,
Trichy District.
Crime No.357 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Santhanam Rajeshkumar,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC.438 OF CR.P.C

PRAYER :-For Anticipatory Bail in Crime No.357 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002, in Cr.No.357 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners attacked the defacto complainant, abused in filthy language and threatened with dire consequences. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted on them. Hence, he seeks anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor appearing for the State would submit that there is a family dispute between the parties and no one was injured in the alleged occurrence. He would further submit that it is a case and counter case and based on the complaint given by the petitioners, a criminal case has been registered in Cr.No.356 of 2021 against the defacto complainant and there is no previous case as against the petitioners.

5.Considering the facts and circumstances and considering the fact that there existed previous enmity between the parties, that no one sustained injury in the alleged occurrence, that except the offence under Section 506(ii) I.P.C., and Section 4 of TNPHW, other offences are bailable in nature and that the counter case is also pending against the defacto complainant and party and also considering the fact that the petitioners are not having any previous cases for similar offences or for any other serious offences, as stated by the learned Additional Public Prosecutor, 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, Musiri, Trichy 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 condition 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 10.30a.m., for 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**



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

sd/-
29/11/2021

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

ORDER
IN
CRL OP(MD) No.18721 of 2021
Date :29/11/2021

SSL
MK/PN/SAR.II/03.12.2021/3P/5C