



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18729 of 2021

1. S.Ganesh Kumar,
2. G.Vijay Kumar,
3. G.Shanthi, ... Petitioners/Accused 1 TO 3

Vs

State Rep by,
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Cr.No. 329 of 2021. ... Respondent/Complainant

For Petitioner : MR.N.Dilip Kumar, 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.329 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 427 and 506(i) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002, in Cr.No.329 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 01.09.2021 at about 7.00AM, the accused persons had abused the defacto complainant's husband in filthy language and assaulted him. The accused persons had also outraged the modesty of the defacto complainant and threatened them with dire consequences. They also caused damages to the TV and cell phone to the tune of Rs.25,000/-. Hence, the present complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and the third petitioner is the own sister of the defacto complainant's husband. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the State would submit that the investigation is not yet completed and injured was treated as outpatient and that the petitioners are not having any previous case.

5. Considering the facts that there existed previous enmity between the parties, that the injured was treated as out patient, that except the offence under Sections 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature and 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, but 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.II, Sivakasi, 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:

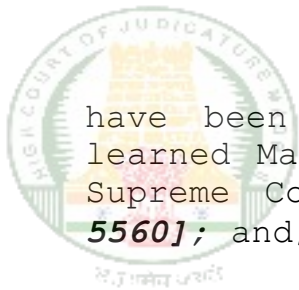
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 5560]***; and;

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

sd/-
29/11/2021

/ TRUE COPY /

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

SSL

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.II,
SIVAKASI.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.N.DILIP KUMAR, Advocate SR.No.8718(I)

ORDER
IN
CRL OP(MD) No.18729 of 2021
Date :29/11/2021

PKP/JC/SAR-4/03.12.2021/3P/6C