



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

Date : 08/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.18957 of 2021

WEB COPY

1. Balamurugan
2. Raju
3. Sumathi

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Virusveedu Police Station,
Dindigul District.
Cr.No.444 of 2021.

... Respondent/Complainant

Rajeshwari

... Intervener

For Petitioners : M/s.Shanmugaraja Sethupathi D, Advocate.

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

For Intervener : Mr.Jegadeesh Pandian M.,
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.444 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3 who apprehend arrest at the hands of the respondent police for the offence punishable under sections 341, 294(b), 427 & 506 (i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.444 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that defacto complainant is the wife of the second petitioner's brother. Due to civil dispute between the parties, on 17.11.2021, after attending the funeral ceremony of the defacto complainant's sister-in-law, they started their Car for returning to their house. At that time, the petitioners waylaid the Car and abused her with filthy language in public place and also threatened her with dire consequences. Hence, this 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. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that because of the previous enmity between the husband of the defacto complainant, who is the brother of the second petitioner, this complainant has been given. The second petitioner has also lodged a complaint against the defacto complainant's husband before the respondent police.

5.On going through the First Information Report, it is seen that all the accused persons assembled in the place of occurrence and the first petitioner made some indecent assault upon the defacto complainant by removing his dothi and also made some damage to the Car. But, what the damage caused to the Car is not mentioned in the First Information Report.

6.The learned counsel for the intervener appearing for the defacto complainant would submit that the main allegation against the first petitioner is that he behaved indecent by removing his dhoti. Insofar as the other petitioners is concerned they have made serious offence. Since both parties are close relatives, damage caused to the car was not mentioned in the First Information Report.

7.Considering the facts and circumstances of the case and also considering the fact that the parties are close relatives, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Nilakkottai, Dindigul District, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously.

sd/-
08/12/2021

/ TRUE COPY /

/ /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.

WEB COPY

- TO
1. The Judicial Magistrate,
Nilakkottai, Dindigul District.
 2. Do-Through The Chief Judicial Magistrate,
Dindigul District.
 3. The Inspector of Police,
Viruveedu Police Station,
Dindigul District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.SHANMUGARAJA SETHUPATHI D Advocate SR.No.9036

ORDER
IN
CRL OP(MD) No.18957 of 2021
Date :08/12/2021

RS/VR/SAR4(14.12.2021) 3P-6C