



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

Date : 29/12/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.21016 of 2021

WEB COPY

1. M.Dharmaraj
2. D.Francis
3. D.Shanthi
4. F.Aruna

... Petitioners/Accused Nos.1 to 4

Vs

State rep by
The Inspector of Police,
Thuvakudi Police Station,
Trichy District.
Cr.No. 543 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Senguttu Arasan.P,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.543 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 354(C), 509, 506(ii) I.P.C. and Section 4 of Women Harassment Act(TNPHW Act), seek anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant, due to which, the petitioners damaged the window of the defacto complainant, abused by using with filthy language and also threatened her with dire consequences. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate appearing for the respondent police submitted that no one has been injured in the occurrence. However, he fairly conceded that no previous case is pending against the petitioners.



5. Considering the facts and circumstances of the case, the nature of allegations against the petitioners and also the fact that no one has been injured in the occurrence, this Court is inclined to grant anticipatory bail to the petitioners.

WEB COPY

6. Accordingly, this Criminal Original Petition is allowed and 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.VI, Trichy**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum 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 learned Magistrate may obtain a copy of their Aadhaar 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 30 days, thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with the 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;

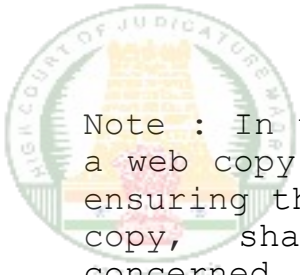
(f) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
29/12/2021

/ TRUE COPY /

/ /2022

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 NO.VI, TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THUVAKUDI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.21016 of 2021
Date : 29/12/2021

VB/JC/SAR-II/03.01.2022/3P/5C