



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2199 of 2022

1.Tamilazhagan
2.Chandru
3.Mahalakshmi

... Petitioners

Versus

State represented by
The Inspector of Police,
Thirumakottai Police Station,
Thiruvarur District.

(*) (Crime No.10 of 2022)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail on event of their arrest in **(*) (Crime No.10 of 2022)** on the file of the respondent police pending investigation.

For Petitioners : Mr.A.Mohamed Ismail

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)
(DATED 01/02/2022)

MR.L.BASKARAN, Govt. Advocate (Crl. Side)
(DATED 28/02/2022)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(B), 324, 506(II) of IPC in **(*) (Crime No.10 of 2022)**, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners had assaulted the defacto complainant when they had come to the defacto complainant house. The 1st and 2nd petitioners both are cousins of the 3rd petitioner. The defacto complainant and the 3rd petitioner both are husband and wife and that they had enquired about the 3rd petitioner and defacto complainant's family issues and that out of the quarrel, the petitioners had attacked the defacto complainant and out of the said attack he was injured. Hence this complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He fairly agreed to pay interim maintenance. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is some family dispute between the petitioners and the defacto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate - II, Mannarkudi, on condition that the petitioner shall execute a 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 defacto complainant and third petitioner are directed to appear before the Mediation at Tiruvarur Mediation Centre for 5 sittings, failing which the order will be cancelled automatically and the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., until further orders;

(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/-

01/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

**(*) AMENDED AS PER ORDER OF THIS COURT DATED 28/02/2022
MADE IN CRL.MP.NO.2347/2022**

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, MANNARKUDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR(FOR INFORMATION)

3 INSPECTOR OF POLICE,
THIRUMAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
MEDIATION CENTRE, TIRUVARUR

6 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILATION CENTRE,
HIGH COURT, MADRAS.

CC to M/S A.MOHAMED ISMAIL Advocate on payment of necessary charges

CRL OP.2199/2022

Date :01/02/2022

RVR 04/02/2022

RVR 08/03/2022