



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12337 of 2022

1 VANMATHI [PETITIONERS / ACCUSED]
2 SELVAKUMAR
3 ABINAYA
4 SUBA

Vs

STATE REP BY INSPECTOR OF POLICE, [RESPONDENT]
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI,
MAYILADUTHURAI DISTRICT
CRIME NO.388/2022

For Petitioner : M/S.A.PRITHIVI RAJ, Advocate for
M/S. R.NALLIYAPPAN Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 354, and 506(ii) of IPC in Crime No.388 of 2022, seek anticipatory bail.

2. Totally, there are 8 accused and the petitioners are arrayed as A1, A4, A5 and A8. The case of the prosecution is that the defacto complainant and one Akilan, who is the son of A1 loved each other for the past 12 years and he is working in Singapore. On the date of occurrence, when the defacto complainant's relatives went to the house of the said Akilan for the purpose of arranging marriage, quarrel arose between them, in which, the petitioners along with



other accused abused defacto complainant and others in filthy language, assaulted them in hands and also threatened them with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that since the petitioners expressed their inability, the defacto complainant only abused them in filthy language and picked up quarrel. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (crl. side) would submit that when the defacto complainant's family members approach the parents of the said Akilan for arranging marriage between the defacto complainant and Akilan, wordy altercation arose between them, in which, they attacked the defacto complainant and others by using hands. He would further submit that nature of injury sustained by the defacto complainant is simple in nature. However, he vehemently opposed to grant anticipatory bail to the petitioners.

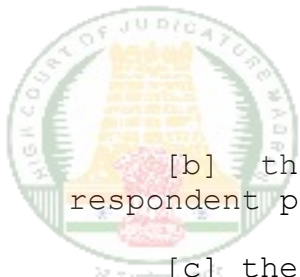
5. The learned counsel for the petitioners seeks permission of this Court to withdraw the petitioner so far as the second petitioner is concerned and he has also made an endorsement to that effect.

6. In view of the submission and the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn as against the second petitioner is concerned.

5. Considering the facts and circumstances of the case and also the fact that nature of injury sustained by the defacto complainant and others is simple in nature, this Court is inclined to grant anticipatory bail to the petitioners 1, 3 and 4 with certain conditions.

6. Accordingly, the petitioners 1, 3 and 4 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Mayiladuthurai, on condition that the petitioners 1, 3 and 4 shall execute a separate 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 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 petitioners 1, 3 and 4 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 1, 3 and 4 shall appear before the respondent police as and when required for interrogation.

[c] the petitioners 1, 3 and 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 1, 3 and 4 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 1, 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 3 and 4 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

26/05/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI, MAYILADUTHURAI DISTRICT.

+1 CC to M/S. R.NALLIYAPPAN Advocate on payment of necessary charges SR.NO. 7960

CRL OP.12337/2022

Date :26/05/2022

RW-31/05/2022