



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.12517 of 2022

1 MARUTHAMUTHU
2 SELLADURAI
3 AMUTHA

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.
CRIME NO.106/2022.

[RESPONDENT]

For Petitioner : M/S.M.RAJKUMAR Advocate (DATED 26/05/2022)
M/S. T.MURUGANANTHAM Advocate (DATED 20/06/2022)

For Respondent : MR.V.MEGANATHAN, Govt. Advocate (Crl. Side)
(DATED 26/05/2022)
MR. V.J.PRIYADARSANA, Govt. Advocate (Crl. Side)
(DATED 20/06/2022)

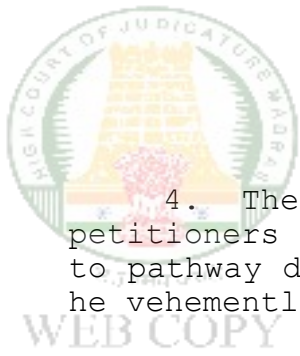
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 **(*)294(b), 323, 324 and 506(i) of IPC and Section 4 of Tamil Nadu Women Harassment Act** in Crime No.106 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours and there was a quarrel between them regarding pathway. Due to which, they attacked with each other and both the parties have give complaint against each other.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners have also lodged a complaint before the respondent police against the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate would submit that the petitioners and the defacto complainant attacked with each other due to pathway dispute. They lodged a complaint with each other. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also there is a counter case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate-II, Jayamkondam on condition that the petitioners shall execute separate 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 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 10.30 a.m. for a period of two weeks 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, 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.

**(*) AMENDED AS PER ORDER OF THE COURT
DATED 20/06/2022 MADE IN CRL.MP.NO.7687/2022
BY THE HON`BLE MR JUSTICE G.K. ILANTHIRAIYAN**

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, JAYAMKONDAM

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges Sr.9715

CRL OP.12517/2022

Date :26/05/2022

RVR 01/06/2022

RVR 28/06/2022