



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 25/02/2022

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PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.664 of 2022

1. Raja
2. Esakkimuthu
3. Rajathi
4. Esakkipandi
5. Ramuthai

... Petitioners/Accused Nos.1 to 5

Vs

State Rep.by  
The Inspector of Police,  
Thatchanallur Police Station,  
Tirunelveli Town, Tirunelveli.

**(\*) (Crime No.5 of 2022).**

... Respondent/Complainant

For Petitioners : M/s.S.Prabha, Advocate for  
Mr.Gokularaj.S., Advocate.  
For Respondent : Mr.M.Muthumanikkam,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

For Anticipatory Bail in **(\*)Crime No.5 of 2022** on the file of the respondent Police.

**ORDER :** The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 324 and 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in **(\*)Crime No.5 of 2022**, seek anticipatory bail.

2.The case of the prosecution is that there was some previous enmity between the parties, due to which, the petitioners trespassed into the defacto complainant's house, abused her in filthy language and also attacked her. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the injured was discharged from the hospital.

5.Considering the facts and circumstances of the case and considering the facts that there existed previous enmity between the parties and that except the offence under Section 506(ii) IPC and Section 4 of TNPWH Act, other offences are bailable nature, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 1, 2 and 4 shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)(b)the petitioners 3 and 5 shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;**

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/02/2022

**(\*) Amended as per order of this  
Hon'ble Court Dated 25.02.2022 in  
Crl.MP(MD)No.2691 of 2022 in Crl.OP(MD)  
No.664 of 2022.**

/ 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.

TO

- 1.The Judicial Magistrate No.IV,  
Tirunelveli, Tirunelveli District.
- 2.Do-Through The Chief Judicial Magistrate,  
Thirunelveli District.
- 3.The Inspector of Police,  
Thatchanallur Police Station,  
Tirunelveli Town, Tirunelveli.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.S.GOKULRAJ, Advocate ( SR-308[I] dated 19/01/2022 )

ORDER

IN

CRL OP(MD) No.664 of 2022

Date :25/02/2022

RS/SBN/SAR.1(09.03.2022) 3P-6C

<https://hcservices.ecourts.gov.in/hcservices/>