



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.2608 & 2609 of 2022

A.Mohan ... Petitioner/Accused - 3
In Crl.OP(MD)No.2608 of 2022

A.Silambarasan ... Petitioner/Accused - 2
In Crl.OP(MD)No.2609 of 2022

Vs

The State rep.by,
The Inspector of Police,
Thuriayur Police Station,
Trichy District.
(Crime No.25 of 2022)

... Respondent/Complainant
In Both The Petitions

For Petitioner : Mr.K.V.DHANAPALAN, Advocate for
M/S.Penn Walter Associates, Advocate.
In both the petitions

For Respondent : Mr.M.Muthumanikam,
Government Advocate (Crl.Side)
In both the petitions

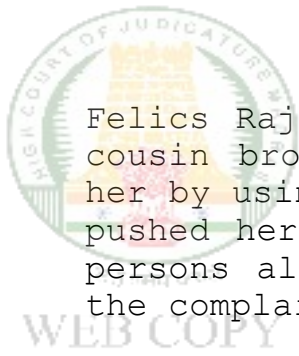
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-For Anticipatory Bail in Crime No.25 of 2022 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 506(i) IPC and Section 4 of Prohibition of Harassment of Women Act, 2002, in Crime No.25 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was civil dispute between the parties, due to that on 06.01.2022 around 11.00PM, the first accused called the defacto complainant through phone and informed that they are going to kill his cousin brother, viz.,



Felics Rajs, by getting panic, the *defacto* complainant went to his cousin brother's house, on seeing her, the accused persons abused her by using filthy language and the first accused hold her hair and pushed her down and beaten the *defacto* complainant and the accused persons also abused and assaulted her cousin brother also. Hence, the complaint.

3.The learned counsel for the petitioners would submit that there was civil dispute between the parties, that no one was injured in the incident, that the petitioners are innocents and not committed any offence alleged by the prosecution. Hence, prays for anticipatory bail for the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there was civil dispute between the parties and investigation is not yet completed.

5.Considering the facts and circumstances of the case and also the facts that there existed civil dispute between the parties, that no one was injured in the incident and that except the offence under Section 506(ii) IPC and Section 4 of Prohibition of Harassment of Women Act, 2002, all other offences are bailable in 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, 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 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)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/Judicial 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]**; and;

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

sd/-

08/02/2022

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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,
THURAIYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
THURIAYUR POLICE STATION, TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) Nos.2608 & 2609 of
2022

Date :08/02/2022

PNM

MK/VR/SAR.II/16.02.2022/3P/5C