



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3205 of 2022

1. Ravishankar
2. Saravanakumar
3. Murugesan

... Petitioners/Accused 1 to 3

Vs

State rep.by
The Inspector of Police,
Vaiyampatty Police Station,
Manapparai Taluk,
Trichirappalli District.
(Crime No.51 of 2022)

... Respondent/Complainant

For Petitioners: M/s.K.S.Kathiravan, Advocate.

For Respondent : M/s.M.Muthumanikkam,
Government Advocate (Crl. Side)

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

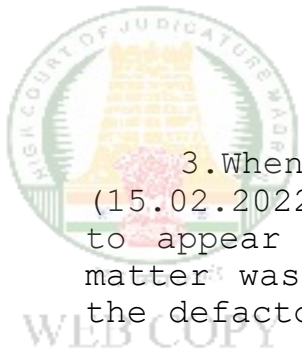
PRAYER :-

For Anticipatory Bail in Crime No.51 of 2022 on the file of the Respondent police.

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 147, 148, 294(b), 323, 324 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.51 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there existed pathway dispute between the parties, on 06.02.2022 at about 7.45 p.m.,, the accused persons abused the defacto complainant in filthy language and attacked him, his sister and uncle with stick and also criminally threatened them with dire consequences. Hence, the complaint.



3. When the matter was taken up for hearing yesterday (15.02.2022), Mr. Praveen, learned counsel submitted that he is going to appear for the defacto complainant and seeks time. Hence, the matter was adjourned today. Today, there is no representation for the defacto complainant.

4. The learned counsel for the petitioners would submit that a counter case has been registered in Crime No.50 of 2022 against the defacto complainant and party, that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and that the injured was already discharged from the hospital.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that investigation is not yet completed, that the injured was already discharged from the hospital and that it is a case and counter case and the counter case has been registered in Crime No.50 of 2022 as against the defacto complainant and party.

6. Considering the facts that there existed pathway dispute between the parties, that the injured was already discharged from the hospital, that except the offences under Section 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, all other offences are bailable in nature and that the counter case in crime No.50 of 2022 is pending against the defacto complainant and party, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, Manapparai, 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 a.m., for period of thirty (30) days 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 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/-

16/02/2022

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Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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,
MANAPPARAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
VAIYAMPATTY POLICE STATION,
MANAPPARAI TALUK,
TRICHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KATHIRAVAN K.S. Advocate SR.No.1237

ORDER

IN

CRL OP (MD) No.3205 of 2022

Date : 16/02/2022