



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.3550 of 2022

WEB COPY

1. Devadasan
2. Durairaj

... Petitioners/Accused No.1&2

Vs

The State Rep. By,
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.58/2022).

... Respondent/Complainant

For Petitioner : M/s.Murugappan R, 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. 58 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

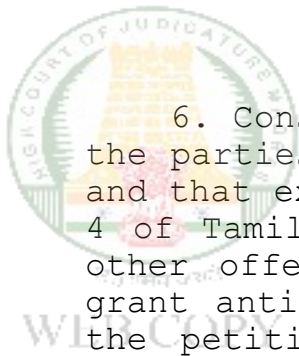
Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 447, 427, 506(ii) of I.P.C., r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998, in Crime No.58 of 2022 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that there existed civil dispute between the parties. The petitioners have trespassed into the defacto complainant's house, damaged the iron fencing and abused her with filthy language. Hence the complaint.

4.The learned counsel for the petitioner would submit that the petitioners are innocent. They have not committed any offences. They have been wrongly implicated in this case.

5.The learned Government Advocate (Crl.side) would submit that the petitioners have damaged the defacto complainant's house worth Rs.20000/- injured in this case.



6. Considering the fact that there existed civil dispute between the parties and also the facts that no one was injured in this case and that except the offence under Section 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with the condition that the petitioners shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) each as non-refundable deposit to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172). The petitioners shall execute the sureties on showing the receipt for the deposit of the said amount.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Kadaladi, Ramanathapuram District.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial;

(v) 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]***.

(vi) If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/02/2022

/ 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



TO

1. THE JUDICIAL MAGISTRATE,
KADALADI RAMANATHAPURAM DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
GOVERNMENT OF TAMIL NADU, SECRETARIAT BRANCH,
CHENNAI-9.

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-1445[I] dated 24/02/2022)

ORDER

IN

CRL OP(MD) No.3550 of 2022

Date :23/02/2022

USK/SBN/SAR-III/03.03.2022/3P/7C