



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4190 of 2022

WEB COPY

1. Davidraja
2. Suriya @ Jeya Suriya

... Petitioners/Accused 1&3

Vs

The State represented by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No.864 of 2021).

...Respondent/Complainant

For Petitioners: Mr.J.Vishnu, Advocate.

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

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

PRAYER :-

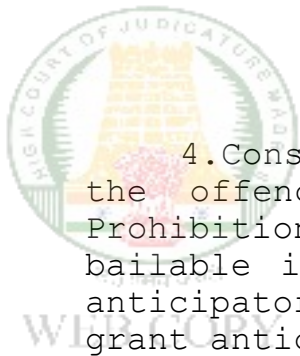
For Anticipatory Bail in Crime No.864 of 2021 on the file of the Respondent police.

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 294 (b), 323 and 506(1) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of women Act, 2002, in Crime No.864 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused had attacked and abused the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have already filed the application before the Additional District and Sessions Judge, Ramanathapuram, in Crl.M.P.No.3005 of 2021, seeking anticipatory bail and the learned Sessions Judge, vide order dated 24.11.2021, has granted the anticipatory bail by imposing certain conditions. He would further submit that the petitioners could not be able to produce the sureties within the time stipulated by the Sessions Court, the above said order was automatically cancelled. Hence, the petitioners are forced to file the present application.



4.Considering the above facts and also the facts that except the offences under Sections 506(1) IPC and 4 of Tamil Nadu Prohibition of Harassment of women Act, all other offences are bailable in nature and that that petitioners were already granted anticipatory bail by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.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, Additional Mahila Court, Ramanathapuram, 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 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 Aadhaar 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 thirty (30) days and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the 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]***.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/03/2022

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

ORDER
IN
CRL OP(MD) No.4190 of 2022
Date :03/03/2022

USK/PN/SAR-IV/15.03.2022/3P/5C