



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

Date : 29.03.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5747 of 2022

1. Azhagumeenal @ Azhagumeena
2. Aishwarya @ Ishwarya

... Petitioners/Accused 1&2

Vs

The State represented by
The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.
(Crime No.61 of 2020)

... Respondent/Complainant

For Petitioners: M/s.Banumathy,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.61 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 and 506(2) IPC, in Crime No.61 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there existed civil dispute between the parties, the petitioners along with other accused assaulted the defacto complainant, abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.It is evident from the records that the petitioners have already filed a petition in Crl.O.P.(MD)No.14187 of 2020 seeking anticipatory bail and this Court, vide order dated 07.12.2020, has granted anticipatory bail to the petitioners .



4.The learned counsel for the petitioners would submit that the previous counsel has not intimated the granting of anticipatory bail to the parties and hence, they were not in a position to furnish the sureties.

5.Considering the above facts and circumstances and also the facts that except the offence under Section 506(2) IPC, all other offences are bailable in nature and that the petitioners were already granted anticipatory bail by this Court, 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, Singampunari, Sivagangai 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 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 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/-
29/03/2022

/ 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,
SINGAMPUNARI, SIVAGANGAI DISTRICT.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ULAGAMPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.BANUMATHY, Advocate (SR-2740[I] dated 31/03/2022)

ORDER
IN
CRL OP(MD) No.5747 of 2022
Date :29/03/2022

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