



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5173 of 2022

1. Seerangan
2. Prakash
3. Padayappa @ Praveen
4. Muthumari
5. Muniammal
6. Alagi

... Petitioners/Accused 1 to 6

Vs

The State rep.by,
The Inspector of Police,
Appanthirupathy Police Station,
Madurai District.
Crime No.36 of 2022.

... Respondent/Complainant

For Petitioners : Mr.S.Moorthy,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.36 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 324, 454 and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.36 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant and due to that, on 10.03.2022, the petitioners abused the defacto complainant and attacked him and also caused injuries. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the injured was discharged from the hospital. He would further submit that the petitioners/A1, A4 and A6 were already arrested and released on bail.

5.Recording the said submission made by the learned Government Advocate (Criminal Side), the Criminal Original Petition is dismissed in respect of the petitioners 1 , 4 and 6/A1, A4 and A6 concerned.

6.Considering the facts and circumstances of the case and considering the facts that there arose wordy quarrel between the parties, that the injured was discharged from the hospital and that the counter case in crime No.37 of 2022 is pending against the *defacto* complainant and party, this Court is inclined to grant anticipatory bail to the petitioners 2, 3 and 5 with certain conditions.

7.Accordingly, the Criminal Original Petition is allowed and the petitioners 2, 3 and 5 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 No.V, Madurai District, on condition that the petitioners 2, 3 and 5 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 2, 3 and 5 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners 2, 3 and 5 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 2, 3 and 5 shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 2, 3 and 5 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 petitioners 2, 3 and 5 in accordance with law as if the conditions have been imposed and the petitioners 2, 3 and 5 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8.In the result, the Criminal Original Petition is partly allowed.

sd/-

18/03/2022

/ 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 NO.V
MADURAI DISTRICT

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
APPANTHIRUPATHY POLICE STATION, MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.S.MOORTHY, Advocate (SR-2255[I] dated 21/03/2022)

ORDER

IN

CRL OP(MD) No.5173 of 2022

Date :18/03/2022

DAS

MK/VR/SAR.I/24.03.2022/3P/6C