



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/03/2022

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PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.5292 of 2022

1. Deepkumar  
2. Bharathi

... Petitioners/Accused Nos.1 & 2

**Vs.**

The State rep.by  
The Inspector of Police,  
Keeraithurai Police Station,  
Madurai.  
Crime No.187 of 2022).

... Respondent/Complainant

For Petitioners : M/s.RAMYA.K.  
Advocate.

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

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

**PRAYER :-** For Anticipatory Bail in Crime No. 187 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 294(b), 341 and 506(1) IPC, in Crime No.187 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a family dispute between the parties, due to which, the petitioners threatened the defacto complainant with dire consequences. 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 second petitioner/A2 is not arrayed



as accused in this case. He would further submit that no one was injured in this case.

5. In view of the submission made by the learned learned Government Advocate (Criminal Side), the Criminal Original Petition is dismissed in respect of the second petitioner.

6. Considering the facts and circumstances of the case and considering the facts that there existed family dispute between the parties, that no one was injured in this case and that except the offence under Section 506(1) IPC, other offences are bailable nature, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Act Cases, Madurai, on condition that the first petitioner shall execute 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 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 first petitioner 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 first petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the first petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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/-

22/03/2022

/ 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 SESSIONS JUDGE  
SPECIAL COURT FOR EXCLUSIVE TRIAL OF POCSO ACT CASES,  
MADURAI.
- 2 THE INSPECTOR OF POLICE  
KEERAITHURAI POLICE STATION,  
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.SHAKUL HAMEED.M. Advocate SR.No.2300

**ORDER**

**IN**

CRL OP(MD) No.5292 of 2022

Date :22/03/2022

SA/SBN/SAR.3/24.03.2022/3P/5C