



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

Date : 01/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6053 of 2022

1. J.Sujai
2. Amala

... Petitioners/Accused No.1 and 2

Vs

State Rep.by
The Inspector of Police,
South Gate Police Station,
Madurai.
(Crime No.119/2022)

... Respondent/Complainant

For Petitioners : M/s.Bharathi S,
Advocate.

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

For Intervenor : Mr.R.Ramasamy, Advocate

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

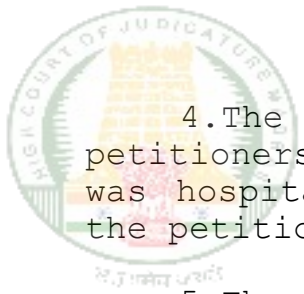
PRAYER :- For Anticipatory Bail in Crime No.119 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506(i) IPC and Section 4 of TNPHW Act, 2002 in Crime No.119 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was family dispute between the petitioners and the de-facto complainant with regard to the sharing of ancestral property, the petitioners abused the de-facto complainant in filthy language, attacked her and caused injuries. Hence, the complaint.

3.The learned counsel appearing 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 counsel for the intervenor would submit that the petitioners had attacked the defacto complainant and due to that he was hospitalized. Hence, he opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured has suffered simple injury.

6.Considering the facts and circumstances of the case and considering the facts that there existed family dispute between the parties, that the injured was already discharged from the hospital and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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.IV, Madurai 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the Inspector of Police, Contonment Police Station, Trichy, daily at 10.00 am for a period of 15 days and thereafter, shall report before the respondent police daily at 10.00 am until further orders.

(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]***; and;



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

sd/-
01/04/2022

/ TRUE COPY /

WEB 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.IV,
MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
CONTONMENT POLICE STATION,
TRICHY.

+1 CC to M/s.S.BHARATHI, Advocate (SR-2847[I] dated 01/04/2022)

ORDER
IN
CRL OP(MD) No.6053 of 2022
Date :01/04/2022

DAS
MS/SVR/SAR-2/11.04.2022/3P.7C