



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/04/2022
PRESENT

WEB COPY

The Hon'ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD).No.6416 of 2022

1.Kanimozhi

2.Karnan

... Petitioners/Accused Nos.3 & 6

Vs.

The State represented by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Cr.No.196 of 2022)

... Respondent/Complainant

For Petitioner : Mr.Sathish Kumar.K,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 196 of 2022 on the file of the respondent Police.

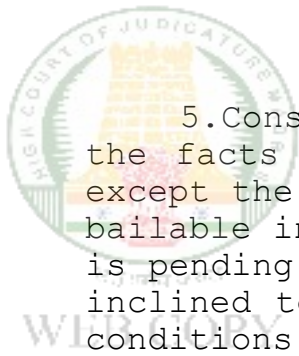
ORDER : The Court made the following order :-

The petitioners/Accused Nos.3 & 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 448, 427 and 506(ii) IPC., and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.196 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties, due to which, the petitioners abused the defacto complainant with filthy language, attacked her and her parents and caused injuries. Hence the complaint.

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

4.The learned Government Advocate(Crl.Side) would submit that there was a wordy quarrel between the parties and the injured was also discharged from the hospital.



5.Considering the facts and circumstances of the case and also the facts that the injured was discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and that the counter case in Crime No.197 of 2022 is pending against the de-facto complainant and party, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Additional Mahila Court, Ramanathapuram.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the 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 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 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 petitioners 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 petitioners shall not tamper with 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/04/2022

/ 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 ADDITIONAL MAHILA JUDGE,
RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI 09.

+1. CC to M/S. SATHISH KUMAR.K. Advocate SR.No.3398

ORDER
IN
CRL OP(MD) No.6416 of 2022
Date :12/04/2022

SS/JM/SAR:I/20.04.2022 : 3P/6C