



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.04.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.6859 of 2022

1.Thangayan
2.Senthilkumar
3.Pannerselvam

... Petitioners/Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Jampunathapuram Police Station,
Trichy District.
Crime no.42 of 2022

... Respondent/Complainant

For Petitioners : Mr.N.Balasubramanian,
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.42 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), 323, 354 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.42 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties, for which, the petitioners attacked the de-facto complainant and abused her in filthy language by degrading her modesty. 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. He would further submit that the counter case in Crime No.41 of 2022 is pending against the de-facto complainant and party.

4.The learned Government Advocate(Crl.Side) would submit that the injured was treated as outpatient.



5.Considering the above facts and circumstances of the case and also considering the facts that the injured was treated as outpatient, that except the offence under Section 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, all other offences are bailable in nature and also the fact that the counter case in Crime No.41 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 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 learned Judicial Magistrate, Thuraiyur, Trichy 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 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/-

13/04/2022

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/ /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,
THURAIYUR, TRICHY DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE
JAMPUNATHAPURAM POLICE STATION, TRICHY DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.BALASUBRAMANIAN N Advocate SR.No.3512

ORDER
IN
CRL OP(MD) No.6859 of 2022
Date :13/04/2022

SS/SVR/SAR:IV/21.04.2022 : 3P/6C