



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.04.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6953 of 2022

1.Gnana Thiraviyam

2.Kalavathi

... Petitioners/Accused Nos.1 & 2

Vs

The State Rep by,
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi.

(Crime No. 167 OF 2022)

... Respondent/Complainant

For Petitioners : Mr.R.Balakrishnan, 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.167 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.167 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute between the parties, petitioners 1 and 2 attacked the de-facto complainant with aruval and wooden log and A3 and A4 pushed the de-facto complainant and kicked her with legs and thereby, she sustained 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. He would further submit that A3 and A4 were already arrested and released on bail by the Sessions Court.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital.

5.Considering the facts that there existed civil dispute between the parties, that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature and also the fact that A3 and A4 were already arrested and released on bail by the Sessions Court, 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 No.III, Thoothukudi, 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 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; and the second petitioner shall report before the respondent police 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

/ TRUE COPY /

/ /2022

WEB COPY

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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.III
THOOTHUKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION, THOOTHUKUDI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6953 of 2022
Date :13/04/2022

PKP/JM/SAR-2/21.04.2022/3P/5C