



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.04.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7300 of 2022

1.M.Balamurugan

2.Elayaraja

: Petitioners/ Accused No.1,2

Vs

State Rep.by

The Inspector of Police,

Thiruverumbur Police Station,

Trichy District.

Crime No.127 of 2022.

... Respondent/Complainant

For Petitioners : Mr.S.Veerapandi Selvaraj, 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.127 of 2022 on the file of the Respondent police.

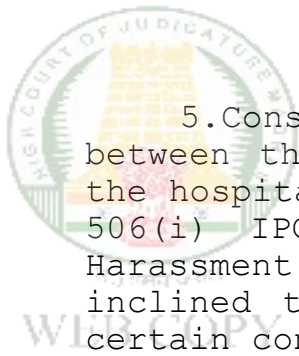
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Cr.No.127 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute between the parties, the petitioners attacked the de-facto complainant and also caused 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.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the injured was discharged from the hospital and no previous case is pending against the de-facto complainant and party.



5.Considering the facts that there existed family dispute between the parties, that the injured was already discharged from the hospital and also the fact that except the offence under Section 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners, but with certain conditions.

6.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 Additional Mahila Court, Trichy, 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 Judge 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/Mahila Judge 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 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/Mahila Judge 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/Mahila Judge 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/-
29/04/2022

/ 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.

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TO

1. THE JUDGE,
ADDITIONAL MAHILA COURT,
TRICHY.
2. THE INSPECTOR OF POLICE,
THIRUVERUMBUR POLICE STATION,
TRICHY DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7300 of 2022

Date :29/04/2022

SJI

MS/PN/SAR-4/09.05.2022/3P.4C