



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

Friday, the Twenty Second day of April Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) No.7522 of 2022

1 VALANARASAN
2 MICHEALRAJ
3 JOHNSI RANI

... PETITIONERS/ACCUSED 1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION,
RAMNAD DISTRICT.
CRIME NO.77 OF 2022.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.VENKATESH D Advocate

For Respondent : MR.M.MUTHUMANIKKAM, Govt.Advocate (Crl.Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.77 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 and 506(i) IPC and Section 4 of TNPHW Act, in Crime No.77 of 2022, seek anticipatory bail.

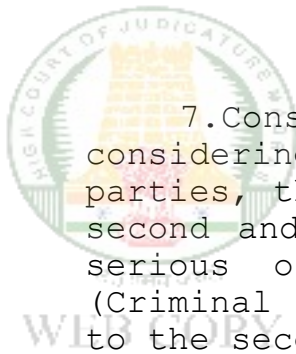
2.The case of the prosecution is that there existed property dispute between the parties, due to which, the petitioners along with other accused persons abused the defacto complainant in filthy language and attached her with hands. Hence, the complaint.

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 (Criminal Side) appearing for the State would submit that the injured was discharged from the Hospital.

5.The learned counsel for the petitioners seeks permission of this Court to withdraw this petition in respect of the first petitioner is concerned.

6.In view of the submission made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as withdrawn in respect of the first petitioner.



7.Considering the facts and circumstances of the case and considering the facts that there existed civil dispute between the parties, that the injured was discharged from the Hospital, that the second and third petitioners are not having any previous case for serious offence as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the second and third petitioners with certain conditions.

8.Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, on condition that the petitioners 2 and 3 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 2 and 3 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 second 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.

(c)the third petitioner shall report before the respondent as and when required for interrogation.

(d)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 2 and 3 shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/04/2022

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION,
RAMNAD DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7522 of 2022
Date :22/04/2022

RS/PN/SAR.2 (28.04.2022) 3P-5C