



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.7877 of 2022

1.Anifdurai
2.Ivin
3.Jeybaselvi

... Petitioners/Accused No.1 to 3

Vs

The State represented by
The Inspector of Police,
Panagudi Police Station,
Panagudi, Tirunelveli District.
(Crime No.155 of 2022)

...Respondent/Complainant

For Petitioners: Mr.S.Palani Velayutham,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.155 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(ii) IPC and Section 4 of TNPHW Act, in Crime No.155 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there existed money transaction dispute between the parties, due to which, the petitioners abused the defacto complainant in filthy language and assaulted her. 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 petitioners are ready to file an undertaking affidavit before the concerned Magistrate that they will not indulge in such activities in future.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation is pending.

5.Considering the above facts and circumstances and also the facts that there existed money transaction dispute between the parties, that no one was seriously injured in this incident, that except the offences under Section 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act,2002, all other offences are bailable in nature and also taking note of the submission made by the learned counsel for the petitioners that they will file an affidavit undertaking not to indulge any such activities in future, 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 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, Valliyoor, Tirunelveli 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall file an undertaking affidavit that they will not indulge in any such offence in future, before the concerned Judicial Magistrate with necessary application. On filing of such undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

[c]the first and second petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[d] the third petitioner shall report before the respondent Police as and when required for interrogation;

[e]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[f]the petitioner shall not abscond either during investigation or trial.

[g]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action



against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/04/2022

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION, . PANAGUDI,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7877 of 2022

Date :28/04/2022

das

MK/JM/SAR.II/06.05.2022/3P/5C