



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

Date : 11/05/2022

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8978 of 2022

1. Ayyanar
2. Padikasu

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
(Crime No.74 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Jegadeesh Pandian M,
Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)
For Intervenor : M/s.C.Geetha, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.74 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused 1 & 2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 452, 323, 294(b), 506(ii) r/w 4 of TNWH Act, in Crime No. 74 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 06.05.2022 at about 10.00 hours, due to previous motive, the accused persons entered into the house of the *defacto* complainant's house and assaulted her. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. He would further submit that it is a case in counter and the injured was treated as out patient. Hence, he seeks for anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. side) would submit that the first petitioner is having seven previous cases for similar offence and the second petitioner is having no previous case.

5.The learned counsel appearing for the intervener would vehemently objected for release the petitioners on anticipatory bail, since the *defacto* complainant is still taking treatment as inpatient and she has not disputed the counter case pending against the *defacto* complainant.

6.Considering the previous antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed as against the first petitioner is concerned.

7.Considering the nature of charges levelled against the second petitioner and also the fact that he is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the second petitioner, with certain conditions.

8.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Srivilliputhur, Virudhunagar District, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 second petitioner 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 Station daily at 10.30 am for a period of two weeks and thereafter, as and when required;

(c)the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]***; and

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

WEB COPY

sd/-
11/05/2022

/ TRUE COPY /

13/05/2022

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,
ADDITIONAL MAHILA COURT,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-4641[I] dated 12/05/2022)

ORDER
IN
CRL OP(MD) No.8978 of 2022
Date :11/05/2022

RS/JM/SAR.2 (13.05.2022) 3P-6C

<https://hcservices.ecourts.gov.in/hcservices/>