



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

Date : 25/05/2022

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) . No.9637 of 2022

1. Prabakaran,

2. Kavitha,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by

The Inspector of Police,  
Pallathur Police Station,  
Sivagangai District.

Crime No.54/2022.

... Respondent/Complainant

For Petitioner : MR.K.Backiyaraj, Advocate.

For Respondent : MR.SS.Madhavan,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 54 of 2022 on the file of the respondent police.

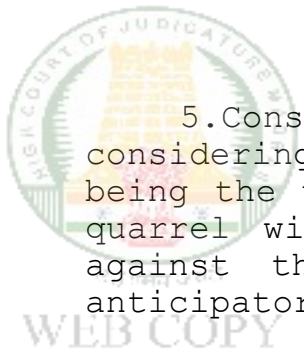
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 427, 448 and 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act in Crime No.54 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to pathway dispute between the parties, the petitioners abused the de-facto complainant in filthy language and also caused damage to the de-facto complainant's compound wall. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are not involved in the occurrence and they are no way connected with this case. He would also submit that a false case has been foisted against the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that due to pathway dispute between the parties, the petitioners abused the de-facto complainant in filthy language and also caused damage to the de-facto complainant's compound wall.



5.Considering the facts and circumstances of the case and also considering the facts that unfortunately, the second petitioner also being the woman and allowed the first petitioner to involve such a quarrel with the other woman and there is a specific overt act against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

6.In view of the above, this Criminal Original Petition is dismissed. However, the petitioners are directed to surrender before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order and file a bail application before the Magistrate and if they files an application for bail, the learned Magistrate is directed to consider their bail application, on the same day and pass orders on merits and in accordance with law.

sd/-  
25/05/2022

/ TRUE COPY /

/ /2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI/LM

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,  
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
PALLATHUR POLICE STATION,  
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.9637 of 2022  
Date :25/05/2022