



WEB COPY

CRL OP(MD).



22

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

Date : 27/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.9741 of 2022

1. M.Muthusamy,

2. S.Raja,

3. C.Subbiah Chinnan,

... Petitioners/Accused Nos. 1 to 3

Vs

THE STATE REP BY,
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
Cr.No.176/2022.

... Respondent/Complainant

For Petitioners : M/s.M.Maria Vinola.M, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

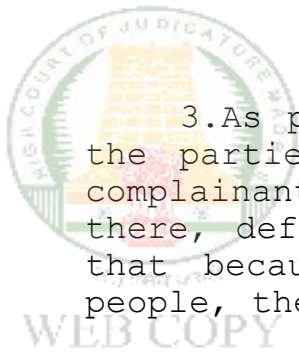
PRAYER :-

For Anticipatory bail in Crime No. 176/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b) I.P.C. and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, in Crime No.176 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.05.2022 at about 05.00 pm., the accused persons alleged to have defamed the defacto complainant and her husband in a public place. Unable to bear it, the defacto complainant consumed rat poison. Based on the aforesaid incident, the present case has been registered.



3.As per the FIR, in pursuance of the aforesaid enmity between the parties, on 26.05.2022 at about 05.00 pm., when the defacto complainant was cleaning the frontage, the accused person came there, defamed her and also criminally intimidated her. It is seen that because of the previous enmity between the two groups of people, the aforesaid occurrence is said to have been taken place.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the 1st petitioner is having 7 previous cases.

5.The learned counsel for the petitioners submits that the 1st petitioner as an public activist filed a petition in W.P.(MD) No.18808 of 2018 seeking removal of the encroachment. Because of the previous enmity and because of his political activity, he has been wrongly roped in the aforesaid case. Apart from that, he has no previous bad antecedents.

6.Perusal of record shows that the case has been registered against the 1st petitioner for assault also. So, the contention on the part of the learned counsel for the petitioners that because of the political issue, the aforesaid case has been registered cannot be accepted. So, the 1st petitioner is not entitled for the discretionary relief of anticipatory bail. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, before the Judicial Magistrate Court No.1, Kovilpatti, on condition that the petitioners 2 and 3 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 learned Magistrate concerned and the petitioners 2 and 3 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners 2 and 3 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners 2 and 3 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed. Insofar as the 1st petitioner is concerned, this petition is dismissed considering the previous antecedents of the 1st petitioner.

sd/-
27/06/2022

/ TRUE COPY /

/07/2022
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 NO.I,
KOVILPATTI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALUGUMALAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. MARIA VINOLA.M Advocate SR.No.28275(F)

ORDER
IN
CRL OP(MD) No.9741 of 2022
Date :27/06/2022

PKP/SVR/SAR-1/08.07.2022/3P/6C