



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16.06.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9853 of 2022

WEB COPY

1.M.Manickam
2.M.Indrajith
3.K.Pandi

... Petitioners/Accused 1-3

Vs

State Rep.by
The Inspector of Police,
T.Kallupatti Police Station,
Peraiyur Taluk,
Madurai District.
(Crime No.107 of 2022)

... Respondent/Complainant

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

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

PRAYER :-

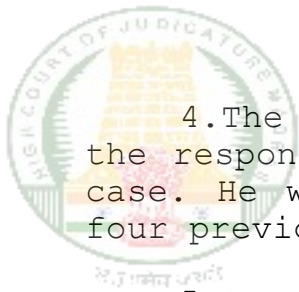
For Anticipatory Bail in Crime No.107 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.107 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the construction of drainage channel at Ramuninagar was undertaken by the first petitioner and on 21.05.2022 at about 10.30 a.m., the residents of the Ramuninagar discussed about the sufferance of the said work and at that time, the first petitioner came there and questioned the defacto complainant how he can prevent his work and abused him in filthy language and attempted to assault him and his wife and when they tried to lock the door, the other accused attacked the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no one was injured in this case. He would further submit that the first petitioner is having four previous cases, which were already disposed of.

5.Considering the nature of the charges levelled against the petitioners and also the facts that no one was injured in this case, that except the offence under Section 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, other offences are bailable in nature and that the petitioners are not having any pending case for similar or serious offence, 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 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 Court, Peraiyur, 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 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 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.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

16/06/2022

/ TRUE COPY /

27/06/2022

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



TO

- 1 THE JUDICIAL MAGISTRATE, PERAIYUR.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
T.KALLUPATTI POLICE STATION,
PERIAYUR TALUK,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9853 of 2022
Date :16/06/2022

RS/SVR/SAR.2 (27.06.2022) 3P-5C