



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9991 of 2022

1.Nalinadevi

2.Abishek

... Petitioners/Accused Nos 1 & 2

Vs.

State rep.by
The Inspector of Police,
Musiri Police Station,
Trichy District.
Cr.No. 182 of 2022.

... Respondent/Complainant

For Petitioners : Mr.K.Arunraj, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.182 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 355 IPC and Section 4 of TNPHW Act, in Crime No.182 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 28.05.2022, due to family dispute between the parties, the petitioners abused the defacto complainant in filthy language, attacked her and caused injuries. 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.



4.The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital.

5.When the matter is taken up for hearing today, the learned counsel for the petitioners has filed an undertaking affidavit sworn by the petitioners, wherein, they have specifically stated that they have realized their mistake and undertake that they will not involve in any illegal activities as against the defacto complainant in future.

6.Admittedly, the first petitioner is the daughter-in-law and the second petitioner is the grand son of the defacto complainant.

7.Considering facts and circumstance of the case and considering the fact that the injured was discharged from the hospital and also taking note of the undertaking affidavit filed by the petitioners and that the petitioners are not having any previous case as stated by the learned Government Advocate(Criminal Side), this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

8.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, Musiri, 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:

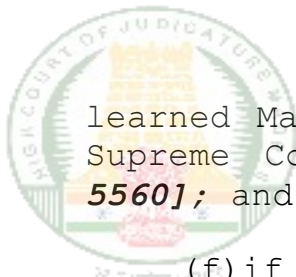
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am, for a period of thirty (30) days 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]***; and;

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

sd/-

17/06/2022

/ TRUE COPY /

22/06/2022

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

das

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

ORDER

IN

CRL OP(MD) No.9991 of 2022

Date :17/06/2022

PKP/JM/SAR-2/22.06.2022/3P/5C