



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

Date : 08/06/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10045 of 2022

1.Desingu

2.Uma

: Petitioners/1st and 2nd Accused

Vs.

The State Rep. By,
The Sub-Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

Crime No.115 of 2022.

: Respondent/Complainant

For Petitioners : Mr.Dinesh Rao, S.
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.115 of 2022 on the file of
the Respondent Police.

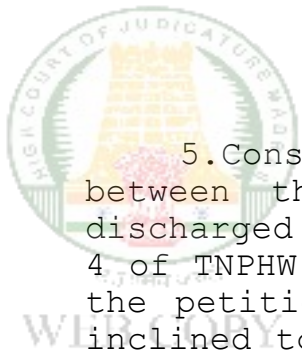
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 323, 324 IPC and Section 4 of TNPHW Act, in Crime No.115 of
2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity
between the petitioners and the defacto complainant, the petitioners
abused the defacto complainant in filthy language and assaulted him
and caused injuries. Hence, the complaint.

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

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



5.Considering the fact that there existed previous enmity between the parties and also the facts that the injured was discharged from the hospital, that except the offence under Section 4 of TNPHW Act, all other offences are bailable in nature and that the petitioners are not having any bad antecedents, 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 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 (Mahila), Ramanathapuram, 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 first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation.

(c)the second petitioner shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

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

sd/-
08/06/2022

/ TRUE COPY /

10/06/2022
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 (MAHILA),
RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10045 of 2022
Date :08/06/2022

das
USK/VR/SAR-II/10.06.2022/3P/5C