



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.06.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.10622 of 2022

1. James
2. Jacob
3. Esther Thangamani ... Petitioners/ Accused 1,2 & 4
(wrongly mentioned as Thangamani in FIR)

Vs

State represented by
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
(Crime No.106 of 2022)

...Respondent/Complainant

For Petitioners: Mr.V.Rajiv Rufus,
Advocate.

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

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

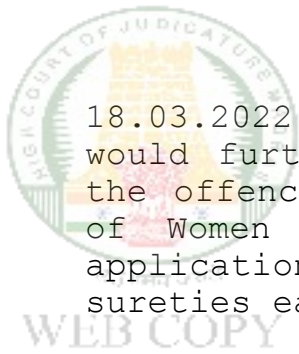
PRAYER :-For Anticipatory Bail in Crime No.106 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1, A.2 & A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.106 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused attacked the defacto complainant and her family members and also threatened them with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have filed an application for anticipatory bail earlier in Crl.O.P.(MD) No.5144 of 2022 and this Court vide order dated



18.03.2022 has granted anticipatory bail with some conditions. He would further submit that the respondent police has also included the offence under Section 4 of Tamilnadu Prohibition of Harassment of Women Act, but the same was not included in the earlier application and that due to inability, they could not furnish the sureties earlier.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the case in counter is pending in Crime No.105 of 2022 against the defacto complainant.

5.Considering the above facts and circumstances and also the facts that the petitioners were already granted anticipatory bail by this Court and that the case in counter is pending, 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, Sathankulam, Thoothukudi District, 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 1 and 2 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 and the third petitioner shall report before the respondent police 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/-
15/06/2022

/ TRUE COPY /

WEB COPY

20/06/2022
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,
SATHANKULAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SANTHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-5736[I] dated 17/06/2022)

ORDER
IN
CRL OP(MD) No.10622 of 2022
Date :15/06/2022

CSM
MK/JM/SAR.IV/20.06.2022/3P/6C