



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

Date : 17/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.10543 of 2022

WEB COPY

1. Issac Rathnakumar
(wrongly mentioned as Issac)

2. Vimala ... Petitioners/Accused No.6 & 7
Vs

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

... Respondent/Complainant

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

For Respondent : Mr.P.Kottaichamy,
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/A6 and A7, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 148, 294(b), 323, 324, 506(ii) IPC and Section 4 of TNPHW Act,
in Crime No.106 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel
between the parties, in which, the petitioners along with other
accused scolded the defacto complainant and her family members in
filthy language and attacked them and also caused injuries. Hence
the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners have filed an application in Crl.OP(MD)No.5374 of 2022,
seeking anticipatory bail and this Court, vide order dated
23.03.2022 has granted anticipatory bail with certain conditions. He
would further submit that since the settlement talks were going on,
the petitioners could not furnish the sureties as directed by this
Court and in the earlier application offence under Section 4 of
TNPHW Act was not mentioned.



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

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC and Section 4 of TNPHW Act, all other offences are bailable in nature, that the case in counter in Crime No.105 of 2022 is pending against the defacto complainant and party and also the fact that the petitioners were already granted anticipatory bail by this Court in Crl.OP(MD) No.5374/2022, 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 their 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, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the first petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation; and the second petitioner shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/06/2022

WEB COPY

/ 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,
SATHANKULAM, THOOTHUKUDI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN 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.RAJIV RUFUS V Advocate SR.No.5737

ORDER
IN
CRL OP(MD) No.10543 of 2022
Date :17/06/2022

RK/JM/SAR-II/22.06.2022 : 3P/6C