



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.06.2022

WEB COPY

PRESENT

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

CRL OP(MD). No.10649 of 2022

1. Chinnadurai
2. Thanga Manikandan @ Manikandan
3. Theivakani
4. Arumugavadivu @ Aarumugakani ... Petitioners/Accused Nos. 1to4

Vs

State represented by
The Inspector of Police,
Moolaikaraipatti Police Station,
Tirunelveli District.
(Crime No.86 of 2022)

...Respondent/Complainant

For Petitioners: Mr.Aayiram K.Selvakumar,
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.86 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 355 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.86 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there existed neighbourhood dispute between the parties, the petitioners abused the de-facto complainant in filthy language, attacked her and also threatened her with dire consequences. 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. He would further submit that the counter case in Crime No.85 of 2022 is pending against the de-facto complainant and party.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured was already discharged from the hospital. He would further submit that the petitioners are having no previous case.

5.Considering the facts that there existed neighbourhood dispute between the parties, that the injured was already discharged from the hospital, that except the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature and also the fact that the counter case in Crime No.85 of 2022 is pending against the de-facto complainant and party, 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, Nanguneri, Tirunelveli 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 petitioners 3 and 4 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/-
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,
NANGUNERI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MOOLAIKARAPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10649 of 2022
Date :16/06/2022

PKP/JM/SAR-2/27.06.2022/3P/5C