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CRL OP(MD). N



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

Reserved On : 13.09.2022

Pronounced On : 16.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.13058 of 2022

1. Subbaiyan,

2. Gandhi Selvam, ... Petitioners/Accused Nos 1 & 3

Vs

State Rep.by
The Inspector of Police,
Musiri Police Station,
Trichy District.
Crime No.240 of 2022. ... Respondent/Complainant

Suhitha ...Petitioner/Intervener/Defacto Complainant
in CRL MP(MD)No. 9134 of 2022

For Petitioner : Mr.A.Joel Paul Antony, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

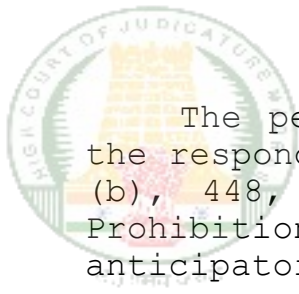
For Intervenor : Mr.R.Maheswaran, Advocate
IN CRL MP(MD)No.9134 of 2022

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

PRAYER :-

For Anticipatory Bail in Crime No.240 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-



The petitioners/A1 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 448, 427, 324 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Cr.No.240 of 2022, seek anticipatory bail.

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2.The case against the petitioners is that there was a wordy quarrel between the parties, due to which, the petitioners attacked the de-facto complainant with hands. Hence, the above case has been registered against the petitioners.

3.On the side of the petitioners, it is stated that due to previous enmity, a false case was foisted against the petitioners and prayed the petitioners to be released on anticipatory bail.

4.On side of the intervenor, it is stated that the second petitioner is already a married man and by making false promise, on 31.12.2009, married the de-facto complainant and also grabbed her "Preethi Home Appliances Business" and thereafter, the petitioners along with others abused the de-facto complainant in filthy language and assaulted her and also torn her dress. Thereafter, the de-facto complainant lodged a complaint before the Kulithalai Police Station in Crime No.942 of 2021 against the second petitioner and four others and they were given bail by this Court in CrI.O.P.(MD) No.19474 of 2021, dated 11.01.2022. Thereafter, two of the accused, namely, Sabitha and Ganesan filed a petition to quash the above FIR and the same was dismissed by this Court in CrI.O.P.(MD)No.1132 of 2022, dated 23.03.2022.

5.Due to which, the second petitioner lodged a false complaint against the de-facto complainant in Crime No.259 of 2022 and the intervenor was granted anticipatory bail by this Court in CrI.O.P.(MD)No.8697 of 2022, dated 06.06.2022.

6.On 14.07.2022, two unknown persons and the petitioners 1 and 2 and one Saravanan trespassed into the shop of the de-facto complainant and attacked her and also threatened her to withdraw all the complaints and the present complaint was lodged. Hence, he strongly opposed to grant anticipatory bail to the petitioners and prayed the petition to be dismissed.

4.On the side of the prosecution, it is stated that the submission of the learned counsel for the intervenor is conceded. It is further stated that there are three named accused and two unnamed accused in this case. The petitioners attacked the de-facto complainant with hands and prayed the petition to be dismissed.

5.Considering the seriousness and gravity of the offence alleged against the second petitioner, this petition is dismissed in respect of the second petitioner is concerned.



6. Considering the facts and circumstances of the case, considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7. Accordingly, this petition is partly allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Musiri, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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,
MUSIRI, TRICHY DISTRICT.
- 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.13058 of 2022

Date :16/09/2022

PKP/SVR/SAR-1/19.09.2022/4P/5C