



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/11/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.13458 of 2022

1. Arunothaya @ Arunothayam
2. Prakash

... Petitioners/Accused No.1 & 2
Vs

1. The State represented by
The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
Crime No.162 of 2022.

2. Thenmozhi
(R2 suo-motu impleaded as per order dated dated
26/7/2022 of this Hon'ble Court in CRL OP(MD) No.13458/2022)
... Respondents/Complainants

For Petitioner : M/s.Muneeswaran B,
Advocate.

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

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

For Anticipatory Bail in Crime No.162 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
448, 294(b), 323 and 506(i) IPC r/w Section 4 of TN Prohibition of
Harassment of Women Act, 2002, in Crime No.162 of 2022, seek
anticipatory bail.

2.The case of the prosecution is that on 27.06.2022, the
petitioners went to the house of the de-facto complainant and
attacked the de-facto complainant and her mother for attending
through Court on 24.06.2022 and as a result, they sustained
injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the
petitioner and the de-facto complainant are daughter and



mother. The second petitioner is the son-in-law of the complainant. There was a civil dispute pending between the parties, the present case has been falsely foisted against the petitioners. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the injured was discharged from the hospital and the petitioners are not having any previous case. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and 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 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, Aruppukottai, Virudhunagar District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(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/-

01/11/2022

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/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, VIRUTHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.C.M.MARI CHELLIAH PRABHU, Advocate SR.No.12167

ORDER
IN
CRL OP(MD) No.13458 of 2022
Date :01/11/2022

SS/VR/SAR IV/07/11/2022/ 3P 6C