



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.13984 of 2022

1. Ruban Raj,

2. Inbaraj,

... Petitioners/Accused Nos.1 & 2

Vs

1. The Inspector of Police,
Koodalnagar Police Station,
Madurai.

Crime No.292 of 2022.

... Respondent/Complainant

2. Kavitha

... 2nd Respondent

(R2 is suo motu impleaded as
per order of the Court dated
03/08/2022 in Crl.OP(MD) .
13984/2022 by GIJ).

For Petitioner : M/s.Balaji A,
Advocate.

For R1 : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For R2 : No Appearance

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

PRAYER :- For Anticipatory Bail in Crime No.292 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
(*)294(b), 323, 324 and 498(A) IPC and Section 4 of TN Prohibition
of Harassment of Women Act, 2002, in Crime No.292 of 2022, seek
anticipatory bail.

2.The case of the prosecution is that due matrimonial dispute
between the first petitioner and the de-facto complainant, on
26.07.2022 at about 06.00 p.m., the petitioners have quarrelled with



the de-facto complainant and attacked her with wooden log so outraged her modesty. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute and the injured was discharged from the hospital. The petitioners are having no 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 it is a matrimonial dispute and the injured was already discharged from the hospital, 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 No.IV, Madurai, 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 Inspector of Police, Melur Police Station, Madurai 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 registered under Section 229-A IPC.

sd/-

01/11/2022

(*)Amended as per order of the Court dated 01/11/2022 in CrI.MP(MD).12976/2022 in CrI.OP(MD).13984/2022.

/ TRUE COPY /

/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KODALNAGAR POLICE STATION,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI.

+1. CC to M/S.BALAJI A Advocate SR.No.12191

+1. CC to M/S.S.MUTHUKUMAR, Advocate SR.No.12263

**ORDER
IN**

CRL OP(MD) No.13984 of 2022
Date :01/11/2022

SJI
SA/SSS/SAR.1/10.11.2022/3P/8C