



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.14311 of 2022

1. Rajkumar
2. Kaviraja

... Petitioners/Accused 1 & 2

Vs

State rep.by
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
(Crime No.85/2022).

... Respondent/Complainant

For Petitioners : M/s.Anandan B, Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

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

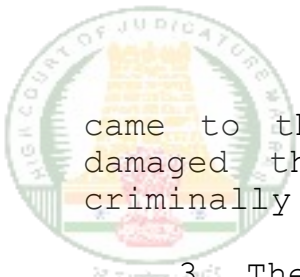
PRAYER :-

For Anticipatory Bail in Crime No.85/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 448, 427, 294(b), 323 and 506(i) IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.85 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the second son of the defacto complainant by name Selvam was in love with one Poomari, who was his neighbour. After marriage, they were living at Vilathikulam. Because of the said love affair there was enmity between two families. Due to the said enmity, the accused persons on 27.07.2022



came to the defacto complainants's house and caused assault and damaged the household articles as well as the roof and also criminally intimidated him.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners have filed an undertaking affidavit before the respondent police that they will not indulge in such activities in future.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the damage caused is worth about Rs.25,000/- and the investigation of the case is pending.

5. Considering the nature of offence, the overt act attributed against the petitioners and also considering the undertaking affidavit filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Thiruchuli, 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 the petitioners shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the defacto complainant's family. If the defacto complainant is not ready to receive the same, the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No. 85 of 2022 and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

8. If any violation is noticed against the undertaking affidavit, bail granted by this Court, shall stand automatically cancelled without reference to this Court.

Sd/-

18/08/2022

/ TRUE COPY /

/ /2022

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



TO

1. THE JUDICIAL MAGISTRATE,
THIRUCHULI.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
NARIKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.14311 of 2022

Date :18/08/2022

SP/SVR/SAR I/05/09/2022/3P/5C