



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15027 of 2022

1. Nagapandi,
2. Vijikumar,
3. Amalraj,
4. Kalaiselvi,
5. Anna Kaluvayi,
6. Sundareswari,
Wrongly mentioned in FIR as Eeswari
7. Chinnasamy,
8. Devi,

... Petitioners/Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
Crime No.325 of 2022.

... Respondent/Complainant

For Petitioners : Mr.M.Vivek Kumar,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.325 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 147, 148, 294 (b), 427, 324, 355 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.325 of 2022 on the file of the respondent police.



2.The case of the prosecution, as per the defacto complainant's version, is that because of the matrimonial issue between herself and the husband, they are living separately for more than 2 years. On 14.08.2022, compromise talk was undertaken in the police station and that was not pursued. As per the advise of the Enquiry Officer, they decided to resolve the issue through Court process. In the meantime, on 14.08.2022 at about 02.30 pm., the accused persons came and trespassed into the house of the defacto complainant, caused assault with 'Soorikathi' etc, in which several persons got injured. Over the aforesaid occurrence, the case and counter case have been registered. The counter case has also been registered in Crime No.326 of 2022, on the basis of the complaint given by the 5th petitioner herein.

3.Reading of the counter complaint shows that because of the aforesaid matrimonial issue only, subsequent occurrence said to have taken place, in which there was exchange of words between the two parties, in which the petitioners' party also got injured. The learned counsel for the petitioners would submit that the 5th petitioner sustained severe injury and was also taking treatment.

4.Since it is a matrimonial issue, out of which the aforesaid occurrence said to have taken place and a case and counter case have also been registered, in which the injured in both the cases have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

5.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 Judicial Magistrate Court, Thirumangalam, 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 the petitioners shall appear before the respondent police daily at 10.30 am., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6.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 shall stand dismissed.

sd/-

23/08/2022

/ TRUE COPY /

/09/2022

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,
THIRUMANGALAM, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
THIRUMANGALAM POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.M.VIVEK KUMAR, Advocate (SR-8870[I] dated 23/08/2022)

ORDER

IN

CRL OP(MD) No.15027 of 2022

Date :23/08/2022

MM

MK/JM/SAR.IV/02.09.2022/2P/6C