



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

Date : 26/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.15083 of 2022

WEB COPY

1. C.Thirumalairajan @ Raja

2. Mohan

... Petitioners/Accused 1 & 2

Vs

State Rep by
The Sub Inspector of Police,
Kadayanallur Police Station,
Kadayanallur, Tenkasi District
(Crime No.286 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Rajeshkumar.R,

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

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

PRAYER :-

For Anticipatory Bail in Crime No.286 of 2022 on the file of the Respondent police.

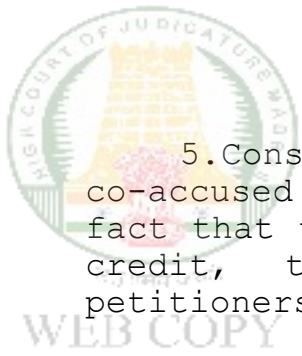
ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.286 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.08.2022, the accused persons abused the defacto complainant in filthy language, harassed and also threatened her to kill. Hence, the complaint.

3. On the side of petitioners, it is stated that the petitioners are arrayed as A1, A2 in this case. The co-accused A3 to A6 were released on bail. No one injured in this case. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioners are not having any bad antecedent at their credit. In this case investigation is not yet completed. Considering the gravity of the offence, prays to dismiss the petition.



5. Considering the facts and circumstances of the case, that the co-accused were already enlarged on bail and also considering the fact that the petitioners are not having any previous case at their credit, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Tenkasi, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am and 5.30 pm. until further orders;

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

(d) the petitioners 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 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/09/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM



TO

1. The Judicial Magistrate, Tenkasi
2. Do Through The Chief Judicial Magistrate, Tirunelveli.
3. The Sub Inspector of Police,
Kadayanallur Police Station,
Kadaynallur, Tenkasi District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.15083 of 2022

Date : 26/09/2022

TR/GB/SAR-II(30.09.2022) 3P 5C