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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

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

CRL OP (MD) . No.15893 of 2022

1. Rajapandi
2. Gopi

... Petitioners/Accused No.1 & 4

Vs

State rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.505 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Ilayaraja R, Advocate.

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

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

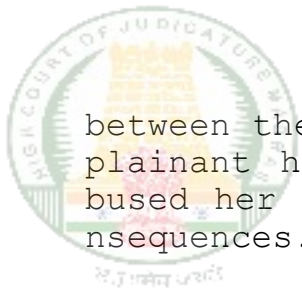
PRAYER :-

For Anticipatory Bail in Crime No.505 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 and 506(ii) IPC r/w Section 4 of TNPWH Act, 2002 in Crime No.505 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute pending the de-facto complainant and her daughter-in-law. The first petitioner herein, who is the relative of the de-facto complainant's daughter in law, is giving false information about her to the family of the de-facto complainant's daughter in law. The son of the de-facto complainant asked about the same through mobile to the first petitioner, hence, there was a wordy altercation



between them. Due to which, the petitioners went to the de-facto complainant home and attacked the de-facto complainant's family and abused her with filthy language and also threatened her with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that there is a civil dispute pending between the parties, a false case was foisted against the petitioners and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the counter case in Crime No.500 of 2022 is pending against the de-facto complainant. 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 first petitioner is having four previous cases and the second petitioner is having no previous case. He would further submit that the investigation is not yet completed and hence, he prays for 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 counter case in Crime No.500 of 2022 is pending against the de-facto complainant, 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, Melur, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

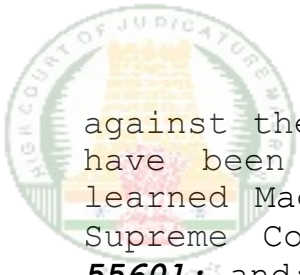
a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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;

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(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
27/10/2022

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/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
MELUR.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15893 of 2022
Date :27/10/2022

SP/GB/SAR I/04/11/2022/3P/5C