



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/09/2022

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16009 of 2022

1. Nirosha

2. Mookkammal

... Petitioners/Accused Rank 1&2

Vs

The State rep.by,
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
Crime No. 117 of 2022.

... Respondent/Complainant

For Petitioners : M/s. Ganeshkamu.M,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.117 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 and 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022, in Cr.No.117 of 2022, seek anticipatory bail.

2.The case against the petitioners is that the petitioners and another person attacked the de-facto complainant. Hence, the above case has been registered against the petitioners.

3.On the side of the petitioners, it is stated that the de-facto complainant and others attacked the petitioners and a case in Crime No.118 of 2022 was registered against the de-facto complainant and others and only due to civil dispute, a false case was foisted



against the petitioners and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that totally three accused involved in the offence. The petitioners attacked the de-facto complainant with rod. The de-facto complainant was admitted in the hospital and he was discharged on 22.08.2022. He fairly admitted that there is a counter case pending against the de-facto complainant and that there is no previous case against the petitioners.

5. Considering the nature of the offence and on considering the fact that there is a counter case pending against the de-facto complainant and also considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this 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 learned Judicial Magistrate, Melur, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 for a period of two weeks and thereafter, as and when required for interrogation.

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

(iv) 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 thereafter abscond, a fresh FIR registered under Section 229-A IPC.

sd/-
06/09/2022

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/09/2022

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

SJI

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, MELUR, MADURAI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

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

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

ORDER
IN
CRL OP(MD) No.16009 of 2022
Date :06/09/2022

RK/SBN/SAR- II (13/09/2022) 3P/5C