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CRL OP(MD). N



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

Date : 16/09/2022

PRESENT

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

CRL OP(MD) . No.16255 of 2022

1. Mariappan
2. Balamurugan
3. Sundarammal
4. Velammal
5. Subbammal
6. Thangeswari @ Thangam ... Petitioners/Accused Nos.2 to 7

Vs

The State rep.by,
The Inspector of Police,
Peraiyur Police Station,
Peraiyur,
Madurai District.
(Crime No.169 of 2022) ... Respondent/Complainant

J.Madathi ... Intervener Petitioner /Defacto Complainant
in CRL MP(MD)No.11022 of 2022

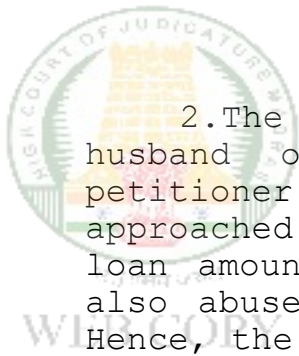
For Petitioners : M/s.Abdul Rahuman S,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
For Intervenor : Mr.R.Saravanan, Advocate.

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

PRAYER :-For Anticipatory Bail in Crime No.169 of 2022on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused Nos.2 to 7, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 452, 323, 324, 355 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.169 of 2022, seek anticipatory bail.



2.The case of the prosecution is that the defacto comp. 's husband obtained a sum of Rs.1,00,000/- as loan from the petitioner's relative. When the defacto complainant's husband approached the petitioner's relative for re-paying the Principal loan amount, the petitioner's relative demanded more interest and also abused and threatened him with the help of the petitioners. Hence, the complaint.

3. The learned counsel for the petitioners would submit that due to enmity, a false case foisted against the petitioners and they are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that no previous case is pending against these petitioners and also submitted that the injured has already been discharged from the hospital.

5.The learned counsel for the intervenor vehemently opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

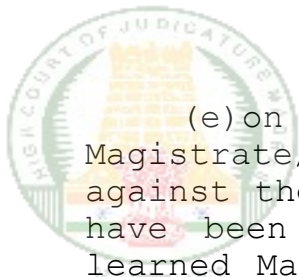
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Peraiyur, Madurai, on condition that the petitioner shall execute a bond for 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 Inspector of Police, T.Kallupatti Police Station, T.Kallupatti 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;

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

sd/-

16/09/2022

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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,
PERAIYUR, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION, PERAIYUR,
MADURAI DISTRICT

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

COPY TO:

THE INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION,
T.KALLUPATTI

+1 CC to M/s.S.ABDUL RAGUMAN, Advocate (SR-10271[I] dated 20/09/2022)

ORDER

IN

CRL OP(MD) No.16255 of 2022

Date :16/09/2022

TTA

<https://www.mhpr.gov.in/dist/madurai/cr/22.09.2022/3P/7C>