



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16472 of 2022

1.Subbaiah
2.Ponnathal
3.Malathi

... Petitioners/Accused Nos.1 to 3

Vs

The State represented by
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.158/22).

... Respondent/Complainant

For Petitioners: M/s.S.M.SANJAY
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.158/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused Nos.1 to 3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 354, 355, 506(i) of IPC and Section 4 of TNPHW Act in Cr.No.158 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners 1 and 2/A1 and A2 are husband and wife. Due to previous enmity over a land dispute, the petitioners abused the defacto complainant in filthy language, threatened him with dire consequences. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioners/A1 to A3 have not committed any offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. The first petitioner has given a complaint against the



defacto complainant herein and the same was not taken on file. The respondent police and pray the petitioners to be released on anticipatory bail.

4. The learned Government Advocate (Crl. side) submitted that there are three accused in this case. The first and second petitioners/A1 and A2 are husband and wife. The third petitioner / A3 is the mother-in-law of the first and second petitioners. The first accused is said to have misbehaved with the defacto complainant and he is having two previous cases and pray the petition to be dismissed.

5. Considering the facts and circumstances of this case, considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions. This Criminal Original Petition is dismissed as far as the first petitioner/A1 is concerned.

6. Accordingly, the petitioners 2 and 3 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, Devakottai, on condition that the petitioners 2 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 2 and 3 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 2 and 3 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 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 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 petitioner in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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**



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

7. This Criminal Original Petition is dismissed as far as the first petitioner is concerned.

sd/-
14/09/2022

/ TRUE COPY /

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

TO

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

+1. CC to M/S.SANJAY S.M. Advocate SR.No.10011

ORDER

IN

CRL OP(MD) No.16472 of 2022
Date :14/09/2022

pnn
SA/SVR/SAR.2/20.09.2022/3P/6C