



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2022

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PRESENT

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

CRL OP(MD). No.17252 of 2022

1. Ganeshan

2. Kanniyammal

... Petitioners/Accused No.1 and 4

Vs

The State rep.by,
The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
(Cr No.49/2022).

... 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.49/2022 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, 506(ii) and 379 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.49 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute between the parties, on 19.09.20252, a wordy quarrel arose between both the family members, for which, the petitioners and other accused abused the defacto complainant in filthy language and also threatened her with dire consequence. In the aforesaid occurrence, the defacto complainant son's chain and mobile phone were also found missing. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that a counter has been registered against the defacto complainant in Crime No.50 of 2022.

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4.The learned Government Advocate(Crl.Side) would submit that it is a case and case in counter and the injured was discharged from the hospital. He would further submit that no previous case is pending against the petitioner and the property has not been recovered so far and the investigation is still pending. Hence, he strongly opposed for grant of 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, it is a case and case in counter and the petitioner is not having any bad antecedents, 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, Singapuram, 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;



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

sd/-
27/09/2022

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/10/2022

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

cp

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

ORDER
IN
CRL OP(MD) No.17252 of 2022
Date :27/09/2022

RK/GB/SAR- (10/10/2022) 3P/5C