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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2022

PRESENT

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

CRL OP(MD) . No.17247 of 2022

1. Baskaran
2. Shankar
3. Balaguru @ Arunachalam ... Petitioners/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.551/2022). ... Respondent/Complainant

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

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

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

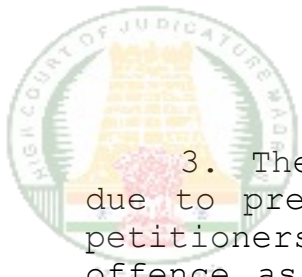
PRAYER :-

For Anticipatory Bail in Crime No.551/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.551 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, on 18.09.2022, the petitioners were attacked the defacto complainant, abused her in filthy language and also threatened her with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners would submit that due to previous enmity, a false case has been foisted against the petitioners and they are innocent and they have not committed any offence as alleged by the prosecution. Hence, the petitioners may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the injured has been discharged from the hospital and no previous case is pending against the petitioner. He would further submit that the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the facts that the injured has already been discharged from the hospital and the petitioner are 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 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 a.m., 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**



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

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Sd/-
27/09/2022

/ TRUE COPY /

/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,
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.

+1. CC to M/S.CHELLAPANDIAN M Advocate SR.No.10596

ORDER
IN
CRL OP (MD) No.17247 of 2022
Date : 27/09/2022