



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.17545 of 2022

1. Sivanantham
2. Usharani
3. Revathi .

... Petitioners/Accused Nos.1to3

Vs

State represented by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.859 of 2022.

... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran,Advocate.

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

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

PRAYER :-

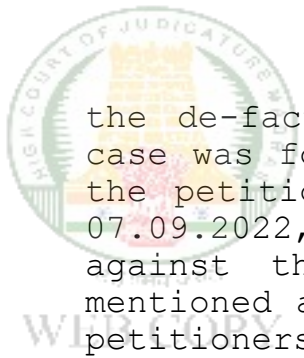
For Anticipatory Bail in Crime No.859 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 452 and 506(ii) of IPC, in Cr.No.859 of 2022, seek anticipatory bail.

2.The case against the petitioners is that on 19.07.2022, due to previous enmity between the defacto complainant and the third petitioner, the petitioners attacked the defacto complainant's daughter and thereafter, on 20.07.2022, the petitioners trespassed into the defacto complainant's house and abused the defacto complainant in filthy language and attacked her with wooden log and also threatened her with dire consequences. Hence, the above case has been registered against the petitioners.

3.On the side of the petitioners, it is stated that due to <https://www.mhc.in.gov.in/crds> a case in Crime No.852 of 2022 was registered against



the de-facto complainant and others, as a counter blast, the case was foisted against the petitioners. Earlier petition filed by the petitioners, in Crl.O.P.(MD)No.16158 of 2022, was dismissed on 07.09.2022, only on the ground that there was a previous case against the petitioners, but, the counter case was mistakenly mentioned as a previous case against the petitioners and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the injured was discharged from the hospital. On 19.07.2022, a case in Crime No.851 of 2022 was registered against the third petitioner herein and others. On the same date, a case in Crime No.852 of 2022 was registered against the defacto complainant herein. The present case was registered against the petitioners, on 20.07.2022 and prayed the petition to be dismissed.

5. It is seen that all other 3 cases arise out of the same dispute between the same parties. Considering the nature of the offence and considering the fact that there is a counter case between the petitioners and the defacto complainant and others, 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, Orathanadu, 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:

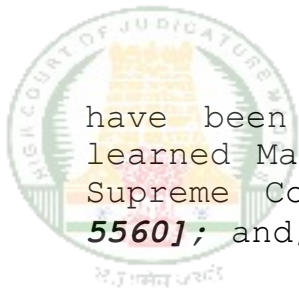
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 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. 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 absconds, FIR can be registered under Section 229-A IPC.

sd/-
30/09/2022

/ TRUE COPY /

/10/2022

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

Ls

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,
ORATHANADU.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10851[I] dated 30/09/2022

ORDER
IN
CRL OP(MD) No.17545 of 2022
Date : 30/09/2022

Ls

PKP/VR/SAR-2/06.10.2022/3P/6C