



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.18847 of 2022

WEB COPY

1. B.Steve Waugh
2. R.Chandrasekaran
3. M.Muniyaselvam

... Petitioners/Accused Nos.4,6 & 7

Vs

State Rep.by
The Inspector of Police,
Ervadi Dharga Police Station,
Ramanathapuram District.
(Crime No.136 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Malaikani S, 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.136 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A4, A6 and A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 67 of Information Technology Act, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.136 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioners abused the de-facto complainant and his wife in filthy language and attacked them with wooden log and also caused injuries. 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 co-accused were already arrested and thereafter released on bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners are having no previous case. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory



5. Considering the facts and circumstances of the case, so considering the fact that co-accused were already arrested and thereafter, released on bail, 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 Additional Mahila Court, Ramanathapuram, 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 Inspector of Police, Ramanathapuram Police Station, Ramanathapuram 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/-

20/10/2022

/ TRUE COPY /

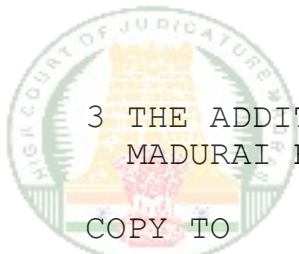
/11/2022

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

TO

1 THE JUDGE, ADDITIONAL MAHILA COURT, RAMANATHAPURAM DISTRICT.

2 THE INSPECTOR OF POLICE, ERVADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.



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

COPY TO
THE INSPECTOR OF POLICE,
RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

+2 CC to M/s.S.MALAIKANI, Advocate (SR-11979[I] dated 27/10/2022)

ORDER

IN

CRL OP (MD) No.18847 of 2022

Date :20/10/2022

TTA

RS/VR/SAR.1 (31.10.2022) 3P-7C