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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26/10/2022

PRESENT

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

CRL OP(MD). No.18970 of 2022

1. Selvam @ Chellam

2. Rajkumar

... Petitioners/Accused Nos.1 and 2

Vs

The State represented by  
The Inspector of Police,  
Sayalkudi Police Station,  
Ramanathapuram District.  
(Crime No. 268 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Sasidharan Tamilkani S.T.,  
Advocate.

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

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

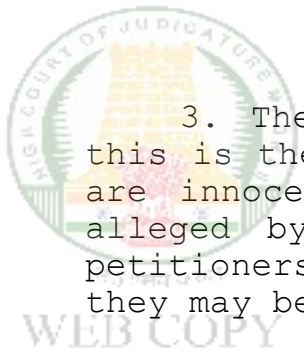
PRAYER :-

For Anticipatory Bail in Cr No.268/2022 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 147,  
148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamilnadu  
Prohibition of Harassment of Women Act, 2002, in Crime No.268 of  
2022, seek anticipatory bail.

2. The case of the prosecution is that the second petitioner is  
having illegal affair with the defacto complainant's wife, over  
which, on 15.09.2022, at about 12.00 a.m., the accused persons  
abused the defacto complainant and his brother with filthy language  
and they assaulted them with knife and caused grievous injuries to  
them. In pursuance of the complaint, the complaint.



3. The learned counsel for the petitioners would submit that this is the second anticipatory bail applications. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners shall abide any conditions imposed by this Court. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the injured has already been discharged from the hospital and no previous case is pending against the petitioners. He would further submit that investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that the injured has been discharged from the hospital and the petitioners 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, Kadaladi, Ramanathapuram District, 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 5560]**; and;



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

sd/-

26/10/2022

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/11/2022

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,  
KADALADI, RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE  
SAYALKUDI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.SASIDHARAN TAMILKANI S.T. Advocate SR.No.12003

ORDER

IN

CRL OP(MD) No.18970 of 2022

Date :26/10/2022

SS/SSS/SAR I/07/11/2022/ 3P 6C