



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.18559 of 2022

1.Ramachandran
2.Palaniappan
3.Panneerselvam
4.Paramasivam

... Petitioner/Accused Nos.5,4,2,3

Vs

State Rep.by
The Inspector of Police,
Viralimalai Police Station,
Pududkotai District.
(Crime No.352/2022)

... Respondent/Complainant

For Petitioners : M/s.Lenin Kumar.T, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.352/2022 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 **(*)147,294(b),354,323 and 506(ii) of IPC**, in Crime No.352 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 27.01.2021, the defacto complainant arranged the marriage to her son, namely Sivachidambarasan with one Durga Devi, who is her brother's daughter. After passing off a few days from the date of marriage, the said Durga Devi left for her parental home voluntarily. At this juncture, the petitioners and other accused thronged the complainant's house and picked up quarrel with her. During the quarrel, the petitioners and other accused abused the defacto complainant in filthy language, assaulted her with hands and also threatened her with dire consequences. Hence, the complainant.



3.The learned counsel for the petitioners would submit that the defacto complainant is none other than the own sister of the petitioners 1 and 2. On 27.01.2021, the complainant and her husband arranged the marriage to her son with one Durga Devi. Since the marriage was solemnized against the will of Durga Devi, she lodged the complaint against the complainant and her family members. As a counter blast, 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, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that no one sustained injuries in this occurrence and the petitioner is not having any previous case. He would further submit that investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that no one sustained injuries in this occurrence 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 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, Illupur, 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 registered under Section 229-A IPC.

sd/-
19/10/2022

(*)Amended as per order of the Court dated.22/11/2022 in Crl.MP(MD).14297 & 14298/2022 in Crl.OP(MD)18559/2022.

Further time is extended by two weeks from the date of receipt of a copy of this order.

/ TRUE COPY /

/12/2022

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

TO

TO BE SUBSTITUED WITH THE ORDER DATED 19/10/2022 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE, ILLUPUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, VIRALIMALAI POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.T.LENIN KUMAR, Advocate (SR-13490 & 13491[I] dated 23/11/2022)

ORDER
IN
CRL OP(MD) No.18559 of 2022
Date :19/10/2022

CP
RS/VR/SAR.2(01.11.2022) 3P-6C
dss
SA/BUC/SAR.1/05.12.2022/3P/7C