



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04.03.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.20103 of 2021

1. E.Arunpandian
2. S.Esakkimuthu ... Petitioners/Accused Nos.1&2

Vs

1.The State represented by
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No.246 of 2021) ... Respondent/Complainant

2.Swetha
(R2 suo motu impleaded as per
order of this Court dated
16.12.2021 in CrI.O.P.(MD)No.
20103 of 2021)
...Respondent

1 Minor.Swetha
Represented by her Mother/
2nd Petitioners

2 Vijaya ... Petitioners/Intervener/
Defacto Complainant
IN CRL MP(MD)No.2999/2022 in
CRL OP(MD)No.20103/2021

For Petitioners: Mr.R.J.KARTHICK,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(CrI.side)

For Intervenor : Mr.C.SUSI KUMAR,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.246 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections

<https://hcservices.ecourts.gov.in/hcservices/>



294(b), 323, 506(1) and 379 IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.246 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners entered into the house of the defacto complainant, attacked the defacto complainant and her younger sister and also threatened them with dire consequences and had stolen 15 sovereigns of gold. Hence, the complaint.

3.The learned counsel for the intervenor would submit that there existed previous dispute between the parties and the petitioners had trespassed into the house of the defacto complainant and brutally attacked the two girls and caused severe injuries.

4.The learned counsel for the petitioners would submit that there existed love relationship between the first petitioner and the defacto complainant and only at the request of the defacto complainant, the first petitioner had visited her house, that after coming to know about the same, a wordy quarrel arose between the parties and that they have lodged the false complaint implicating the petitioners.

5.The learned Government Advocate (Criminal Side) appearing for the first respondent police would submit that the injured was already discharged from the hospital and that the jewels allegedly to have been stolen is yet to be recovered.

6.Considering the nature of charges levelled against the petitioners and also the facts that the injured was already discharged from the hospital, that except the offences under Sections 506(1), 379 IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature and that the petitioners are not having any previous cases for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thiruchendur, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum 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 Aadhaar 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 the 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]***.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/03/2022

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

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

+1. CC to M/S.KARTHICK.R.J. Advocate SR.No.1772

**ORDER
IN**

CRL OP(MD) No.20103 of 2021
Date :04/03/2022

SA/PN/SAR.2/10.03.2022/3P/6C