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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

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

CRL OP(MD) . No.19080 of 2022

1. A.Rajammal
2. S.Sumathi
3. Theerkatharshini ... Petitioners/Accused 2, 4 & 5

Vs

The State represented by
The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
(Crime No.108/2022).

... Respondent/Complainant

For Petitioner : M/s.Priscilla Pandian J,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.108/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/AA2, A4 and A5, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 448, 323 and 302 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.108 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, on 06.07.2022 at about 09.00 a.m., when the de-facto complainant was in her home, the accused persons assaulted her with weapons, abused

<https://www.mh.gov.in/cases>



in filthy language and the same was questioned by the father/deceased, the accused persons also assaulted him with hands and legs and also threatened them with dire consequences. When the deceased brought to the hospital, it is reported that already he died. Hence, the complaint.

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3.The learned counsel for the petitioners would submit that this is the petitioners' second anticipatory bail application and the earlier application was dismissed by this Court, dated 10.10.2022 in Crl.O.P.(MD)No.17622 of 2022. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and A1 and A3 have already been released on bail. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that due to property dispute between the family members, the deceased died due to the assault and the investigation has been completed and the charge sheet has already been filed before the concerned Court. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused have already been released on bail and the charge sheet has already been filed before the concerned Court, 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 Judicial Magistrate, Thiruvadanai, 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;

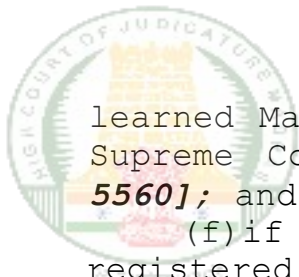
(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(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

imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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.

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
S.P.PATTINAM POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRISCILLA PANDIAN J Advocate SR.No.12009

ORDER

IN

CRL OP(MD) No.19080 of 2022

Date :27/10/2022

SS/GB/SAR IV/07/11/2022/ 3P 6C