



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19215 of 2022

WEB COPY

1. Sethuraja
2. Priya
3. Vijayakumar
4. Palraj
5. Chandra
6. Uma Selvi

... Petitioners/Accused No.1 to 6

Vs

- 1.The State rep.by,
The Inspector of Police,
Veerapandi Police Station,
Theni District.
(Crime No.341/2022).

... Respondent/Complainant

- 2.Muthupillai

...Petitioner/Defacto Complainant
in Crl MP(MD)No.13325 of 2022

For Petitioner : M/s. Pon Karthikeyan.R.,
Advocate.

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

For Intervenor : Mr.S.Vikram, Advocate

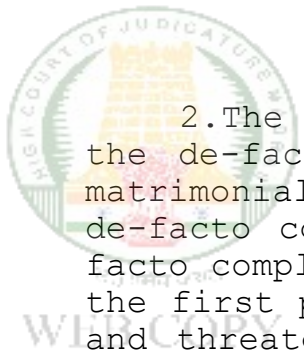
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr No.341/2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 148, 294(b), 323 and 506(ii) IPC and Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act, in Crime No.341 of 2022,
seek anticipatory bail.



2.The case of the prosecution is that the first petitioner and the de-facto complainant's daughter are husband and wife. Due to matrimonial dispute, the first petitioner and the daughter of the de-facto complainant are living separately. On 31.07.2022, the de-facto complainant's daughter and grand daughter went to the house of the first petitioner, at that time, the accused persons abused them and threatened them with dire consequences and also caused simple injury. Hence the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner is the son-in-law of the de-facto complainant and the second petitioner is sister and the petitioners 3 and 4 are parents and the petitioners 5 and 6 are relatives of the first petitioner. Due to matrimonial dispute between the husband and wife, the present case has been falsely foisted against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

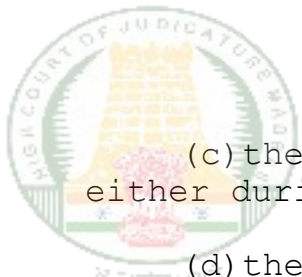
5.The learned counsel for the intervenor strongly opposed this petition stating that the petitioners caused serious injury to the de-facto complainant's daughter and due to which, his daughter was unable to speak and one side of her body was paralysed.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already 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 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, Theni, 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 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, Usilampatti Town Police Station, Theni District, daily at 10.30 am and thereafter as per the 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/-
03/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

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

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-12349[I] dated
03/11/2022)

ORDER
IN
CRL OP(MD) No.19215 of 2022
Date :03/11/2022

RK/SSS/SAR-4 (15/11/2022) 3P/6C

<https://www.mhc.tn.gov.in/judis>