



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2022

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PRESENT

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

CRL OP(MD). No.19625 of 2022

1. R.Chandran,

2. Muthulakshmi,

... Petitioners/Accused Nos.1&2

Vs

State Rep.by
The Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District.
(Crime No.58 of 2022).

... Respondent/Complainant

For Petitioners: M/s.Satheesh E,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.58 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 324 of IPC, in Crime No.58 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are the brothers. The second petitioner is the wife of the first petitioner. Due to the dispute with regarding to cultivating the land, the petitioners abused the defacto complainant in filthy language and assaulted him with aruval. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners and their family members are innocents and they have not committed any offence as



alleged by the prosecution. He would further submit that the second anticipatory bail application. Earlier anticipatory bail application filed by the petitioners in Crl.OP(MD)No.18859 of 2022 was dismissed by this Court, on 20.10.2022, on the ground that the injured has not been discharged from hospital. Now, the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharge from the hospital. 3 witnesses have been examined and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and 3 witnesses have been examined, 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 learnedJudicial Magistrate Court, Kamuthi, 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 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 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/-

07/11/2022

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

DSS

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

+1 CC to M/s.E.SATHEESH, Advocate (SR-12520[I] dated 07/11/2022)

ORDER

IN

CRL OP(MD) No.19625 of 2022

Date :07/11/2022

PKP/VR/SAR-3/17.11.2022/3P/6C