



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19750 of 2022

1. Chinnmuthu
2. Panchavarnam
3. Mariyammal
4. Pandeeshwari
5. Santhanalingam

... Petitioner/Accused Nos.2,3,5,7,8

Vs

State Rep.by
The Inspector of Police,
Krishnan Kovil Police Station,
Virudhunagar District.
Crime No.123 of 2022

... Respondent/Complainant

For Petitioners : M/s.Ramar K, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.123 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b) and 323 IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.123 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 14.08.2022 at about 06.30 p.m., due to previous enmity, the petitioners and other accused abused the de-facto complainant in filthy language and attacked him. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the counter case in Crime No.122 of 2022 is pending against the de-facto complainant and the co-accused was already granted anticipatory bail by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a case and case in counter and the injured was discharged from the hospital. He would further submit that no previous case is pending against the petitioners. He would further submit that the investigation in this case is pending and hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and considering the fact that the injured was already discharged from the hospital and also the facts that it is a case and case in counter 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 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 No.2, Srivilliputhur, 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 Inspector of Police, Srivilliputhur Town Police Station, Virudhunagar District, 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/-
09/11/2022

/ TRUE COPY /

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.2, SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE, KRISHNAN KOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.K.RAMAR, Advocate (SR-12836[I] dated 11/11/2022)

ORDER
IN
CRL OP(MD) No.19750 of 2022
Date :09/11/2022

cp
RS/VR/SAR.1(22.11.2022) 3P-7C