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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP(MD) . No.19526 of 2022

1. Chinnaian

2. Malarkodi

3. Sasi Kumar

4. Jayalakshmi

5. Renukadevi

6. Subha ... Petitioners/Accused (Rank Not Known)

Vs

The State Rep.by
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
(Crime No.442 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Pitchai Muthu M,
Advocate.

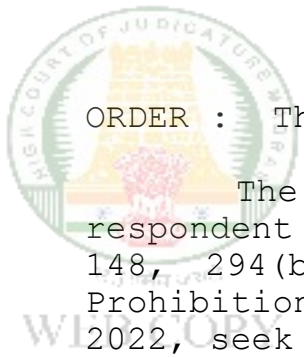
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.442 of 2022 on the file of the Respondent police.

(Crime number and offences are amended vide Court order dated 18.11.2022 in Crl.M.P(MD) No.14070 of 2022 in CRL OP(MD) . No.19526 of 2022)



ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 427 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.442 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners said to have made quarrel with the defacto complainant and abused her in filthy language and also threatened her with dire consequences. Hence, the present complaint.

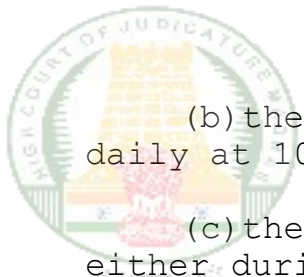
3. The learned counsel for the petitioners would submit that due to family dispute, a false case has been foisted against the petitioners and they are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that a case in counter has been registered against the defacto complainant.

4.The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter and the injured has already been discharged from the hospital. He would further submit the petitioners are not having any previous case. Further, investigation is still pending and hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the fact the injured has already been 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, Thiruvaiyaru, Thanjavur 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 responder 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 can be registered under Section 229-A IPC.

sd/-

18/11/2022

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/12/2022

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

CP

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,
Thiruvaiyaru, Thanjavur District.
2. -do-Through The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.
3. The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.



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CRL OP(MD). N



22

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19526 of 2022

Date :18/11/2022

RD/BUC/SAR-IV(07/12/2022) 4P 5C