



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 04/11/2022

WEB COPY

PRESENT

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

CRL OP(MD) . No.19521 of 2022

1.Selvasundrarajan

2. Aravindmutharasan

... Petitioners/  
Accused Rank Not Known

Vs

The State Rep.by  
The Inspector of Police,  
Sattankualm Police Station,  
Thoothukudi District.  
Crime No.306 of 2022.

... Respondent/Complainant

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

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

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

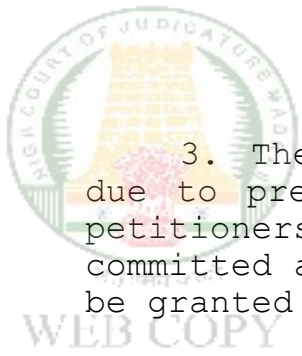
PRAYER :-

For Anticipatory Bail in Crime No.306 of 2022 on the file of  
the Respondent Police.

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 447,  
294(b), 427 and 506(i) of IPC, in Crime No.306 of 2022, seek  
anticipatory bail.

2.The case of the prosecution is that on 01.11.2022, due to  
previous motive, the accused persons alleged to have trespassed into  
the defacto complainant's house and scolded her with filthy  
language. Subsequently, they attacked the defacto complainant and  
also caused damage to her household articles. Hence, the present  
case.



3. The learned counsel for the petitioners would submit that due to previous enmity, a false case has been lodged against the petitioners. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioners damaged the household articles of the defacto complainant worth about Rs.20,000/- and the investigation in this case is not yet completed. He would further submit that no previous case is pending against the petitioners. Hence, he opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and considering the nature of offence and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) **to the credit of District Siddha Medical Officer CCRIPKM (Account No:-10767823177, IFSC Code:- SBIN0000898, State Bank of India, Periyakulam Branch)**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Sattankulam.

7. On production of such receipt/acknowledgment, 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, Sattankulam, 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 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/-

04/11/2022

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

cp

TO

1. The Judicial Magistrate, Sattankulam.
2. -do-Through The Chief Judicial Magistrate,  
Thoothukudi District.
3. The Inspector of Police,  
Sattankulam Police Station,  
Thoothukudi District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

**Copy to:**

**The District Siddha Medical Officer,  
CCRIPKM, Periyakulam , Theni.**

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate ( SR-12430[I] dated 04/11/2022 )

ORDER

IN

CRL OP(MD) No.19521 of 2022

Date : 04/11/2022

RD/SSS/SAR-II (23/11/2022) 3P 7C

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