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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.20498 of 2022

1. Kaliammal
2. Selvam
3. Balamurugan
4. Karthik
5. Muniyandi

... Petitioners/Accused
No.1 to 5

Vs

State rep.by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.345/2022).

... Respondent/Complainant

For Petitioners : M/s.Jinnah S M A, 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.345/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b) and 324 IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.345 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties with regard to taking water from the public tap, in which, the petitioner abused the de-facto complainant in filthy language and attacked her. 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 a counter case in Crime No.344 of 2022 is pending against the de-facto complainant. 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 to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and the petitioners are not having any previous case and the counter case is pending against the de-facto complainant, 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 District Munsif-cum-Judicial Magistrate, Aathoor, 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 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**



(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
18/11/2022

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

SJI

TO

1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, AATHOOR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.20498 of 2022
Date :18/11/2022

SP/VR/SAR III/28/11/2022/3P/5C