



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20588 of 2022

1. Ravichandran
2. Gowtham
3. Gowshik @ Praveen
4. Surya
5. Thirumalai
6. Matchakalai @ Matcha Raja ... Petitioners/Accused No.1 to 6

Vs

The State Rep.by
The Inspector of Police,
Natham Police Station.
Cr.No.309 of 2022.

... Respondent/Complainant

For Petitioners: M/s.Srikanth S,
Advocate.

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

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

PRAYER :-

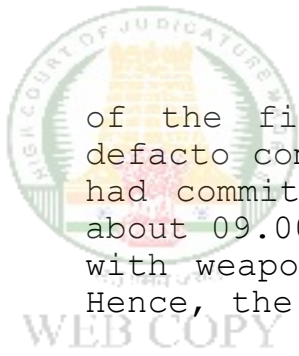
For Anticipatory Bail in Crime No. 309/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 427, 435 and 506(ii) of IPC, in Crime No.309 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the father of the deceased. The petitioners 2, 3 & 4 are the sons of the first petitioner. The petitioners 5 & 6 are the brother-in-laws of the first petitioner.

<https://www.hc.tn.gov.in/dis>



of the first petitioner. On 08.09.2022 at about 07.30 the defacto complainant informed the first petitioner that his daughter had committed suicide by hanging herself. On hearing the same, at about 09.00 a.m, the petitioners 1 to 6 went to the occurrence place with weapon and attacked the defacto complainant's family members. 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 due to the demand of dowry and continues harassment only, the deceased had committed suicide by hanging herself. Hence, they lodged a complaint against the defacto complainant and the same was registered in Crime NO.308 of 2022. As a counter blast, this case has been registered against the petitioners and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that it is case and case in counter. No previous case is pending against the petitioners. However, the petitioners caused damage to the door, windows, T.V and set fire to the house of the defacto complainant 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 facts that it is a case and case in counter and no bad antecedent is reported against the petitioners, 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 Judicial Magistrate, Natham, 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 can be registered under Section 229-A IPC.

sd/-

21/11/2022

/ TRUE COPY /

/11/2022

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

+1 CC to M/s.S.SRIKANTH, Advocate (SR-13434[I] dated 22/11/2022)

ORDER

IN

CRL OP(MD) No.20588 of 2022

Date :21/11/2022

RK/VR/SAR-I(29/11/2022) 3P 6C

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