



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21630 of 2022

1.Nagarajan

2.Reka

... Petitioners/Accused No.1,2

-vs-

State Rep.By

The Sub-Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

(Cr.No.55 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.55 of 2022 on the file of the respondent Police.

For Petitioners

: M/s.P.Sepana @ Sree, Advocate

For Respondent

: Mr.K.Sanjai Gandhi

Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(ii) IPC and Section (*)4 of Tamil Nadu Prohibition Harassment of Women Act in Crime No.55 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to pathway dispute between the parties, on 16.11.2022, there was a wordy quarrel arose between them, in which, the petitioners abused the de-facto complainant and her husband in filthy language and attacked her and caused injuries to her and also gave life threat to them. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the Petitioners are innocent. He would submit that this is a second application for anticipatory bail. The earlier application filed by the petitioners in Crl.O.P.(MD)No.20763 of 2022 was dismissed on 23.11.2022 stating that the victims are still in hospital and the investigation is pending. He would further submit that it is a case and case in counter and the counter parties have been granted anticipatory bail by this Court in Crl.O.P.(MD)No.21404 of 2022.

4.The learned Government Advocate would oppose to grant anticipatory bail to the petitioners.



5. Heard the learned counsels. Taking into consideration the facts and circumstances of the case, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Principal District Munsif cum Judicial Magistrate, Tirupathur, on condition that the petitioners shall execute 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/12/2022

(*) Amended as per order of the Court dated 11/01/2023 in CrI.MP(MD).634/2023 in CrI.OP(MD).21630/2022.

Further time extended for a period of two weeks from the date of receipt of amended copy of this Order.

/ TRUE COPY /

/01/2023

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



To

TO BE SUBSTITUED WITH THE ORDER DATED 07/12/2022 ALREADY DESPATCHED

1 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, TIRUPATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE, KANDAVARAYANPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SEPANA @ SREE, Advocate (SR-665[I] dated
12/01/2023)

ORDER

IN

CRL OP(MD) No.21630 of 2022

Date :07/12/2022

cmr

RS/VR/SAR.3(22.12.2022) 3P-6C

SJI

SA/SSS/SAR.1/30.01.2023/3P/6C