



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

PRESENT

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

WEB COPY

CRL.O.P(MD)No.21639 of 2022

1.Shanmugapriya

2.Rajan

...Petitioners/Accused Nos.1 & 2

-vs-

The State Rep.By
The Inspector of Police,
Palani Town Police Station,
Dindigul District.
(Cr.No.621 of 2022)
Complainant

...Respondent/

For Petitioners : Mr.K.R.Laxman, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

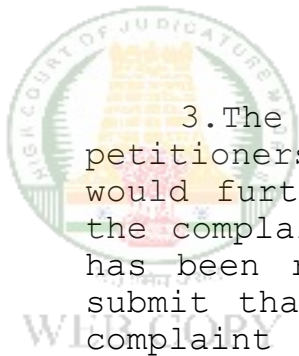
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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.621 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 294(b), 323, 324 and 506(i) IPC and Section 4 of TNPHW Act in Crime No.621 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 on account of constant parking of vehicle in front of the house of the accused, there was a quarrel, during which, the petitioners and the de-facto complainant assaulted each other resulting in registration of case.



3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would further submit that it is a case in counter and on the complaint given by the petitioners, a case in Cr.No.617 of 2022 has been registered against the counter party. He would further submit that the complainant of the petitioners' side is the first complaint and as a counter blast, a false complaint has been given against the petitioners.

4.The learned Government Advocate (crl.side) would submit that on account of quarrel regarding parking of vehicle in front of the accused's house, the petitioners have assaulted the de-facto complainant and opposes to grant anticipatory bail.

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 Judicial Magistrate No.I, Palani, 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., for a period of one week, thereafter, as and when required.

[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]**.



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

sd/-
07/12/2022

/ TRUE COPY /

/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
PALANI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. LAXMAN.K.R Advocate SR.No.14628(I)

ORDER
IN
CRL OP(MD) No.21639 of 2022
Date :07/12/2022

cmr
PKP/VR/SAR-1/21.12.2022/3P/6C