



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

PRESENT

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

CRL.O.P (MD) No.22088 of 2022

1.A.Malaichamy
2.Arun Raja
3.Thirupathi
4.Palpandi
5.Malayarasan
6.Kasturi
7.Dhanalakshmi

... Petitioners/Accused No.1 - 7

-vs-

State represented by
The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Cr.No.338 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners/Accused on bail in event of their arrest in Crime No.338 of 2022 on the file of the Y.Othakadai Police Station, Melur lower court.

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

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 323 and 506(i) IPC r/w Section 4 of TNPHW Act in Crime No.338 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 a quarrel regarding fetching of water from the pipe, the accused have abused the de-facto complainant in filthy language and assaulted her and also intimidated her. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would also submit that the petitioners and the de-facto complainant are close relatives. He would also submit that the de-facto complainant had earlier deserted the first accused and thereafter, the first accused had married the sister of the de-facto complainant and due to that enmity, a false complaint has been given.



4.The learned Government Advocate (crl.side) would submit at the the petitioners and the de-facto complainant are close relatives and there was a family dispute between both parties and on the date of occurrence, the petitioners have abused and the attacked the de-facto complainant. He opposes to grant anticipatory bail.

5.Heard the learned Counsel. 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 Melur, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety 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 two weeks, thereafter every Saturday 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]**.

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

sd/-

14/12/2022

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



To

1 THE JUDICIAL MAGISTRATE, MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.CHANDRASEKAR S, Advocate (SR-14845[I] dated 14/12/2022)

ORDER

IN

CRL OP(MD) No.22088 of 2022

Date :14/12/2022

cmr

RS/VR/SAR.3(19.12.2022) 3P-6C