



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

PRESENT

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

WEB COPY

CRL.O.P (MD) No.22286 of 2022

1.Thangaraju

2.Samiyappa

...Petitioners/Accused No. 1 & 2

-vs-

The State represented by
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Cr.No.519 of 2021)

...Respondent/Complainant

For Petitioners : Mr.B.Vinothkumar, 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.519 of 2021 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 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.519 of 2021 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the de-facto complainant had borrowed money from the accused and when the de-facto complainant was unable to repay the same, the accused have abused the de-facto complainant in filthy language and assaulted her. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and due to a money dispute, a false



complaint has been given. He would also submit that the complainant had borrowed money from the petitioners and to evade from repayment, the de-facto complainant has given the false complaint. He would also submit that the injured has been discharged from the hospital.

WEB COPY

4.The learned Government Advocate (crl.side) would submit that due to a financial dispute, the petitioners have abused the de-fact complainant in filthy language and assaulted her. He would also submit that the injured has been discharged from hospital. He would oppose for grant of anticipatory bail.

5.Heard the learned Counsel. Taking into consideration the facts and submission and on perusing the materials available on record including the F.I.R., 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, Musiri, 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., 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/-
16/12/2022

/ TRUE COPY /

WEB COPY

/12/2022

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

CMR
TO

- 1 THE JUDICIAL MAGISTRATE,
MUSIRI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY.
- 3 THE INSPECTOR OF POLICE
MUSIRI POLICE STATION, TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VINOTHKUMAR.B Advocate SR.No.15191(I)

ORDER
IN
CRL OP(MD) No.22286 of 2022
Date :16/12/2022

PKP/BUC/SAR-3/26.12.2022/3P/6C