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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22428 of 2022

1. P.O.G Subramaniayan @ Balu,

2. G.Karthikeyan,

3. G.Karthi @ Karthikeyan,

4. G.Shanthi,

5. G.Vairam,

... Petitioners/Accused 1 to 5

Vs

State Rep.by

The Inspector of Police,

Kallakudi Police Station,

Trichy District.

(In Crime No.158/2022).

... Respondent/Complainant

For Petitioners : M/s. Anandakumar.N, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr No.158/2022 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 Section 147,148,294(b),323, 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.158 of 2022 on the file of the respondent Police, seek anticipatory bail.



2.The case of the prosecution is that as per the complainant is that her husband was running a briyani stall and on 05.10.2022 the father-in-law of the defacto complainant died and during the procession while taking the body crackers bursted by the relatives of the complainant and whileso, the fourth accused questioned the same and used filthy language and thereafter on 24.10.2022 at about 9.00 pm., when the defacto complainant's son and his friends were standing near the Pillaiyar temple, the first petitioner herein and his brother the second petitioner used filthy language and attacked him and same was informed to the complainant and on hearing the same, the complainant along with her husband and daughter and son went to the house of the petitioner and questioned the same at that time all the petitioners abused the defacto complainant in filthy language and the first petitioner attacked the defacto complainant on her left hand with small knife and the second petitioner kicked her and the third petitioner pulled the hair of the defacto complainant and kicked her and the petitioners 4 and 5 pulled the hair of the defacto complainant's daughter and kicked her and thereafter all the petitioners threatened them with dire consequences. Hence, the complaint.

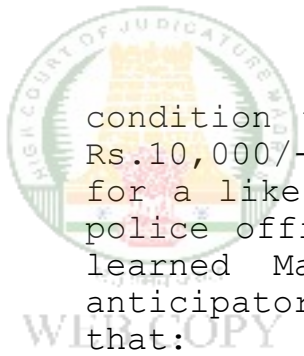
3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that both the petitioners and the defacto complainant are relatives and during the funeral procession there was a wordy quarrel for which a case and counter case has also been registered. The petitioners are victims and on the complaint given by them a counter case has been registered in Crime No.157 of 2022 for the offences under Sections 147, 148, 294 (b), 323,324,307,506(ii) and 379 of IPC against the defacto complainant and her family members, hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl.side) would submit that during funeral function there was quarrel for which a case and counter case has been registered hence, he strongly opposed to grant anticipatory bail to the petitioners. However he fairly concedes that the injured has been discharged from the hospital.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, lalgudi, Trichy District, on



condition that the petitioners shall execute a bond for 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 and thereafter as and when required for interrogation.

[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/-
19/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

<https://www.mhc.trichy.gov.in>



3 THE INSPECTOR OF POLICE
KALLAKUDI POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.ANANDAKUMAR.N, Advocate (SR-15211[I] dated 20/12/2022)

ORDER

IN

CRL OP(MD) No.22428 of 2022

Date :19/12/2022

PKP/BUC/SAR-2/27.12.2022/4P/6C