



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

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



CRL.O.P(MD)No.22678 of 2022

1.Murugan
2.Mathankumar

...Petitioners / Accused Rank Not Known

-vs-

The State represented by
The Inspector of Police,
G.Vilakku Police Station,
Theni District.
(Crime No.222 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.222 of 2022 on the file of the respondent Police.

For Petitioners : Mr.B.Arun, 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), 324, 506(i) and 427 of IPC and Section 4 of TNPHW Act in Crime No.222 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Chidradevi, is that on 18.12.2022 due to wordy quarrel, the petitioner had abused the de-facto complainant in filthy language and also assaulted her. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the injured has been discharged from hospital and the petitioners are ready to abide by any stringent conditions, that may be imposed on them.

4.The learned Government Advocate (crl.side) would submit that due to a wordy quarrel, the petitioners have abused and attacked the de-facto complainant. He would also submit that the injured has been discharged from hospital. He would further submit that there are four previous cases pending against the first petitioner.



5. Heard the learned Counsel. Taking into consideration the facts and submissions and also the fact that the injured has been discharged from the hospital and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Andipatti, Theni District, on condition that the second petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 second petitioner 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 second petitioner 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 second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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]**.

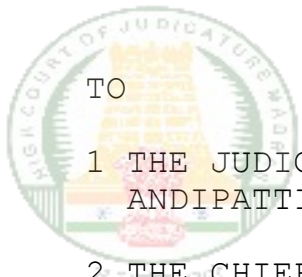
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

9. Taking into consideration the fact that four previous cases are pending against the first petitioner, this petition stands dismissed as against the first petitioner.

sd/-
23/12/2022

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
G.VILAKKU POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.B.ARUN, Advocate (SR-15535[I] dated 23/12/2022)

ORDER

IN

CRL OP(MD) No.22678 of 2022

Date :23/12/2022

cmr

MK/MMS/SAR IV/03.01.2023/3P/6C