



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.22914 of 2022

1.Dhanabalan
2.Sivapackiyam

... Petitioners/Accused No.2 & 3

-vs-

State represented by
The Sub Inspector of Police,
Kaliyarkovil Police Station,
Sivagangai District.
(Cr.No.407 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.407 of 2022 on the file of the respondent Police.

For Petitioners	: Mr.M.Kaliraj, Advocate
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 354, 294(b) and 324 of IPC r/w Section 4 of TNPHW Act in Crime No.407 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 the petitioners and other accused have abused the de-facto complainant in filthy language and also attacked her resulting in her sustaining injury. 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 it is a case and case in counter and on the complaint of the petitioners, a case in Cr.No.408 of 2022 has been registered by the respondent Police and the petitioners are ready to abide by any stringent conditions.

4.The learned Government Advocate (crl.side) would submit that the petitioners and other accused have abused the de-facto complainant in filthy language and also attacked her resulting in her sustaining injury.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available

<https://www.mhc.tn.gov.in/judis>



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 No.I, Sivagangai, 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 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/-

23/12/2022

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

cmr

To

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.



3 THE SUB INSPECTOR OF POLICE, KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.

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

WEB COPY

+1 CC to M/s.M.KALIRAJ, Advocate (SR-15504[I] dated 23/12/2022)

ORDER

IN

CRL OP(MD) No.22914 of 2022

Date :23/12/2022

RS/VR/SAR.3(03.01.2023) 3P-6C