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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

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

CRL OP(MD) . No.214 of 2023

1. Ayyammaal
2. Veeraiya

... Petitioners/Accused No.1 & 6

Vs

The state rep.by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.199/2022).

... Respondent/Complainant

For Petitioner : M/s.Ramasamy S, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.199 of 2022 on the file of the Respondent Police

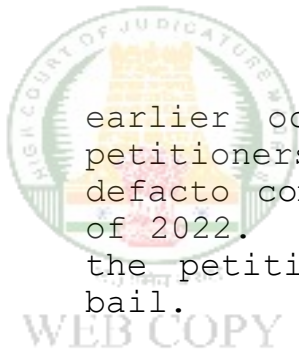
ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 109, 147, 294(b), 323, 506(i) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.199 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to money dispute, on 18.09.2022 at about 01:45 p.m., the accused persons abused the defacto complainant with filthy language and pushed her down and also threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case has been foisted against them, since there was a money dispute between them. In an

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earlier occasion, the defacto complainant's party assaulted the petitioners, over which, they have lodged a complaint against the defacto complainant and a case has been registered in Crime No.138 of 2022. As a counter blast, this case has been registered against the petitioners. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that though the petitioners are not having any previous case, the accused persons were abused and assaulted the defacto complainant. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the nature of money dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Melur**, on condition that the petitioners shall execute a 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 learned 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 daily at 10:30 a.m., for a period of two weeks, thereafter, the second petitioner shall report before the respondent Police on every Saturday at 10:30 a.m., until further orders and the first petitioner shall report as and when required for interrogation;

(c)the petitioners shall not tamper with the 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]**; and;



(f)if the accused/ petitioners thereafter absconds, a f R
can be registered under Section 229-A IPC.

sd/-
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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 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MELAVALAVU POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RAMASAMY S, Advocate (SR-284[I] dated 06/01/2023)

ORDER
IN
CRL OP(MD) No.214 of 2023
Date :05/01/2023

PNM
MK/VR/SAR III(20.01.2023) 3P 6C