



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2023

PRESENT

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

CRL.O.P(MD)No.1479 of 2023

WEB COPY

1.Vasuki

2.Naveenkumar

(*)...Petitioners/Accused Nos. 2 & 1

-vs-

The State represented by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Cr.No.16 of 2023)

...Respondent

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 by the respondent Police with respect to Cr.No.16 of 2023.

For Petitioners : Mr.J.Vishnu,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 448, 109, 294(b), 323, 506(ii) of IPC r/w Section 4 of TNPHW Act, in Crime No.16 of 2023 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 and the accused are neighbours and due to money dispute, the accused persons have abused the de-facto complainant in filthy language, attacked and criminally intimidated 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 petitioners have not committed any offence, as alleged by the prosecution and the petitioners are ready to abide by any stringent conditions, that may be imposed on them.



He would further submit that the injured has been discharged from hospital. Hence, he would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the de-facto complainant and the accused are neighbours and due to money dispute, the accused persons have abused the de-facto complainant in filthy language, attacked and criminally intimidated her. He would object for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also 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 Court, Melur, Madurai, 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 first 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. The second petitioner shall report before the respondent police everyday 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 SC** .

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

sd/-
25/01/2023

(*) Amended as per order of the Court dated 13/02/2023 in CrI.MP (MD).2539 of 2023 in CrI.OP(MD). 1479 of 2023.

Further time is also extended further for a period of two weeks, from the date on which the order is copy made ready. Thereafter, no further extension will be given.

/ TRUE COPY /

/03/2023

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

CMR

TO

TO BE SUBSTITUED WITH THE ORDER DATED 25/01/2023 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE ,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KEELAVALLAVU POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VISHNU.J Advocate SR.No.1227(I)

ORDER
IN
CRL OP(MD) No.1479 of 2023
Date :25/01/2023

PKP/ /SAR-4/03.02.2023/3P/6C
SI/ /SAR-4/24.02.2023/3P/6C