



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.1480 of 2023

1.K.Veeramanikandan
2.K.Karuppasamy
3.M.Marimuthu

...Petitioners / Accused Nos.1,2 & 3

-vs-

The State represented by
The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
(Cr.No.132 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 by the respondent Police with respect to Cr.No.132 of 2022.

For Petitioners : Mr.C.M.Arumugam, Advocate.

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

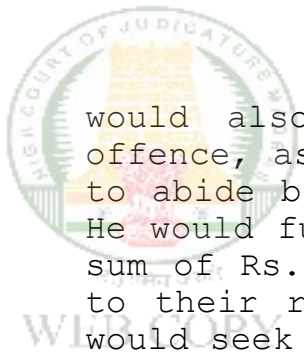
ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 354, 427 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.132 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 on 01.10.2022, the petitioners have illegally trespassed into the house of the de-facto complainant and abused her in filthy language and also assaulted her with wooden log and criminally intimidated her. The further allegation is that the petitioners have also caused damage to a two wheeler of the de-facto complainant's husband, worth of Rs.2,000/-. 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

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



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 petitioners are ready to deposit a sum of Rs.2,000/- to the credit of crime number, without prejudice to their rights and contentions before the trial Court. Hence, he would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that on 01.10.2022, the petitioners have illegally trespassed into the house of the de-facto complainant and abused her in filthy language and also assaulted her with wooden log and criminally intimidated her. The further allegation is that the petitioners have also caused damage to a two wheeler of the de-facto complainant's husband, worth of Rs.2,000/-. He would oppose for grant of anticipatory bail to the petitioners.

5.Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

6.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.

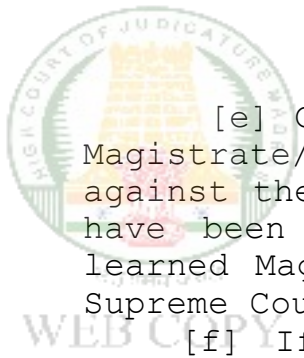
7.Accordingly, the petitioners shall make a deposit of Rs.2,000/- (Rupees Two Thousand only) to the credit of Crime No.132 of 2022, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail in 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 Judicial Magistrate Court No.1, Sattur, Virudhunagar District, 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 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/-

25/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SATTUR, VIRUDHUNAGAR DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.ARUMUGAM.C.M. Advocate SR.No.1247.

ORDER

IN

CRL OP(MD) No.1480 of 2023

Date :25/01/2023

cmr

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