



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)



Friday, the Twenty Seventh day of January Two Thousand and Twenty Three

WEB COPY

PRESENT

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

CRL OP (MD) No.1510 of 2023

1 I.PALSAMY

2 TA.IRUTHAYARASU

... PETITIONERS / ACCUSED 1 & 3

Vs

THE STATE REP.BY

THE SUB INSPECTOR OF POLICE

THIRUPPALAIKUDI POLICE SATION, TIRUVADANAI,

RAMANATHAPURAM DISTRICT, TAMILNADU-623531.

(CRIME NO.11/2023)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.THOMAS SARAN SINGH J

Advocate

For Respondent : M/S.K.SANJAI GANDHI,

Government Advocate(Crl. Side)

PETITION FOR AntiCIPATORY BAIL Under Sec. 438 Cr.P.C.

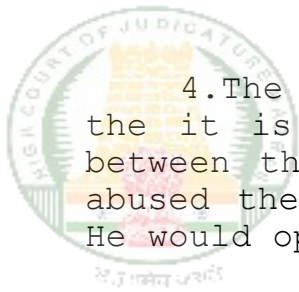
PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.11/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 323, 324, 355 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.11 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Melciya is that the petitioners along with their minor son had abused the defacto complainant with filthy language and harassed and assaulted. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the petitioners are innocent persons and a false complaint has been given. He would further submit that a counter case in Crime No.12 of 2023 has been filed against the defacto complainant's party and the petitioners and the defacto complainant are adjacent land owners. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (crl.side) would submit at the time it is a case of case and counter case and there is dispute between the parties regarding the paddy field and the petitioners abused the defacto complainant with filthy language and assaulted. He would oppose for grant of anticipatory bail.

5. Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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, Tiruvadanai, 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 petitioner shall report before the respondent police everyday at 10.30 a.m until further orders and the second petitioner shall report before the respondent police everyday at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[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]**.

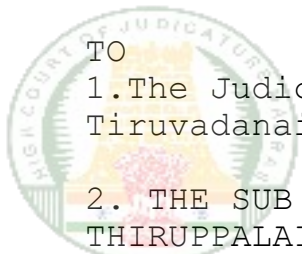
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/01/2023

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/02/2023

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



TO

1. The Judicial Magistrate,
Tiruvadanai.

2. THE SUB INSPECTOR OF POLICE
THIRUPPALAIKUDI POLICE STATION, TIRUVADANAI,
RAMANATHAPURAM DISTRICT, TAMILNADU-623531.

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

ORDER

IN

CRL OP (MD) No.1510 of 2023

Date : 27/01/2023

CM

SI/SAR-IV(04.02.2023) 3P 4C