



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:27.01.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.1512 of 2023

WEB COPY

1.Ranjith @ Ranjith Kumar

2.Prabavathy

...Petitioners/Accused 1 & 2

-vs-

The State Represented by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District
(Cr.No.2 of 2021)

...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.2 of 2021 on the file of the respondent Police.

For Petitioners : Mr.T.Veerakumar

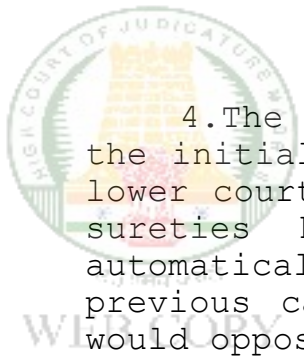
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 324 & 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.2 of 2021 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 are said to have abused and assaulted the defacto complainant. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the petitioners are innocent persons and due to civil dispute, a false complaint has been given. He would further submit that the petitioners are willing to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (crl.side) would submit that initially the petitioners were granted anticipatory bail by the lower court in Cr.M.P.No.125 of 2021 dated 19.01.2021 and since the sureties have not been produced, the anticipatory bail was automatically cancelled and the first petitioner is having 1 previous case and the petitioners are the son and the mother. 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, Kamudhi, Ramanathapuram 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 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/-

27/01/2023

/ TRUE COPY /

/02/2023

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

cm

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



TO

1. THE JUDICIAL MAGISTRATE, KAMUDHI, RAMANATHAPURAM DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3. THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT

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

+1 CC TO M/S.T.VEERAKUMAR, Advocate SR-1311

ORDER

IN

CRL OP (MD) No.1512 of 2023

Date : 27/01/2023

RK/SAR-2 (03/02/2023) 3P/6C