



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.1586 of 2023

1.Sudhanthirapandi

2.Balaguru

... Petitioners/Accused 1 & 2

-vs-

State represented by
The Inspector of Police,
Saptur Police Station,
Madurai District.
(Cr.No.6 of 2023)

... 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.6 of 2023 on the file of the respondent Police.

For Petitioners	: Mr.I.Sriharisuriya
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), 323, 324, 427 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.6 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 on 18.01.2023, the petitioners and other accused have trespassed into the house of the de-facto complainant with deadly weapons and abused her in filthy language and also assaulted her and damaged her two wheeler. 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. He would further submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them. Hence, he would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that on 18.01.2023, the petitioners and other accused have trespassed into the house of the de-facto complainant with deadly weapons and abused her in filthy language and also assaulted her and damaged her



two wheeler. He would also submit that the petitioners in previous case pending against them. He would oppose for 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 District Munsif-cum-Judicial Magistrate, Peraiyur, 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 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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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr

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



To

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, SAPTUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.I.SRIHARISURIYA, Advocate (SR-1306[I] dated 27/01/2023)

ORDER

IN

CRL OP(MD) No.1586 of 2023

Date :27/01/2023

RS/SSS/SAR.1(03.02.2023) 3P-6C