



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

PRESENT

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

CRL.O.P(MD)No.1727 of 2023

WEB COPY

(*)1. **Thanapaul**

2.Thangaraja @ Koli Thangaraja

3.Sahana

4.Suganya

...Petitioners/Accused 1 to 4

-vs-

The State represented by
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.

(Cr.No.9 of 2023)

...Respondent/Complainant

M. Sudha

... Interior/Defacto Complainant
in CrI MP(MD)No.2107 of 2023

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

For Petitioners : Mr.T.Selvan, Advocate

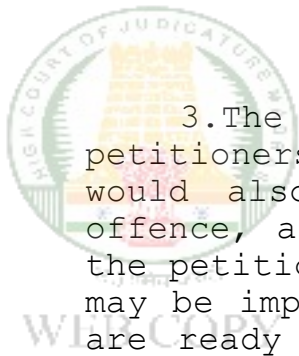
For Respondent : Mr.P.Kottai Chamy
Government Advocate (CrI.side)

For Intervenor : Mr.R.Balakrishnan, Advocate

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 427, 379 and 506(i) of IPC in Crime No.09 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 15.01.2023, due to a wordy quarrel, the accused persons have abused the de-facto complainant in filthy language and also attacked her and her son and criminally intimidated her and stolen a gold chain and damaged her shop and 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 also submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them. He would also submit that the petitioners are ready to deposit a sum of Rs.10,000/- each to the credit of crime number. Hence, he would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the due to a business motive, the accused persons have abused the de-facto complainant in filthy language and also attacked her and her son and criminally intimidated her and stolen a gold change and damaged her shop and two wheeler. He would also submit that there are two previous cases pending against the second petitioner and hence, he seeks dismissal of this petition.

5.Heard the learned Counsel. In view of the criminal antecedents of the second petitioner, this Court is not inclined to grant anticipatory bail to the second petitioner. Hence, this petition is dismissed as against the second petitioner.

6.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 1, 3 and 4 with certain conditions.

6.Accordingly, the petitioners 1, 3 and 4 shall deposit a sum of Rs.10,000/- each to the credit of crime number without prejudice to their rights and contentions and on production of proof for deposit, the petitioners 1, 3 and 4 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, Vallioor, Tirunelveli District, on condition that the petitioners 1, 3 and 4 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 1, 3 and 4 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 1, 3 and 4 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 1, 3 and 4 shall not tamper with evidence or witnesses either during investigation or trial.



[d] the petitioners 1, 3 and 4 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 1, 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 3 and 4 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/-

14/02/2023

(*)Amended as per Order of this Hon'ble Court dated 17/04/2023 in Crl.MP(MD).5990/2023 in Crl.OP(MD).1727/2023 by GKIJ.

Further, time is granted to the petitioners to comply with the conditions imposed by this Court, till 28.04.2023.

/ TRUE COPY /

19/04/2023

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

CMR

TO

TO BE SUBSTITUED WITH THE ORDER DATED 14/02/2023 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE,
VALLIOOR.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PAZHAVOR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 cc to Mr.C.SUSI KUMAR, Advocate, SR.No.6068 (I) Dt.19/04/2023

ORDER IN

CRL OP(MD) No.1727 of 2023

Date :14/02/2023

VA/VR/SAR-2/27.02.2023/3P/5C

SJI

SS/VR/SAR /19.04.2023/3P/6C

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