



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.2059 of 2023

WEB COPY

1.Nagesh @ Nageshwaran

2.Kavitha @ Bakiya Lakshmi

... Petitioners/Accused Nos.1 & 2

-vs-

The State represented by
The Inspector of Police,
Manamadurai Town Police Station,
Sivagangai District.
(Cr.No.294 of 2020)

... 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.294 of 2020 on the file of the respondent Police.

For Petitioners : Mr.M.S.Jeyakarthik, Advocate

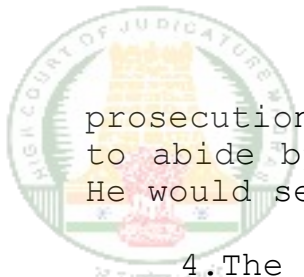
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

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, 355 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.294 of 2020 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to a wordy altercation between the parties, the petitioners have abused the de-facto complainant's mother in filthy language and also attacked her with broom stick and a small Aruval resulting in her sustaining injuries and also caused life threat to the de-facto complainant's mother. 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 anticipatory bail was already granted to the petitioners by the lower Court. Since they did not execute surety, the earlier order got lapsed. 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 not likely to abide by any stringent conditions, that may be imposed on them. He would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that earlier anticipatory bail was already granted to the petitioners by the lower Court and since they did not execute surety, the earlier order got lapsed. He would also submit that after completion investigation, charge sheet has also been filed before the learned Judicial Magistrate, Manamadurai. He would oppose for grant of 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 Judicial Magistrate, Manamadurai, 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 learned Judicial Magistrate, Manamadurai, daily at 10.30 a.m., on all working days for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge.

[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]**.



CRL.O.P(MD)



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

sd/-

02/02/2023

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

CMR

TO

- 1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MANAMADURAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEYAKARTHIK M S Advocate SR.No.1860

ORDER

IN

CRL OP(MD) No.2059 of 2023

Date :02/02/2023

SA/VR/SAR.2/10.02.2023/3P/6C