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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/02/2023

PRESENT

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

CRL OP(MD) . No.2317 of 2023

1. Balamurugan

2. Arunakili

... Petitioner/Accused Nos.1 and 2

Vs

State Rep.by  
The Inspector of Police,  
Thatchanallur Police Station,  
Tirunelveli District.  
In Crime No.21 of 2023.

... Respondent

Ramani ...Petitioner/Intervener/ Defacto Complainant  
in CRL MP(MD)No. 2271 of 2023

For Petitioners: M/s.Micheal Sebastin.B, Advocate

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

For Intervenor : Mrs.Ragavendre, Advocate for  
Mr.Senthil Sankaranatha Kumar , Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.21 of 2023 on the file of the  
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of  
the respondent police for the alleged offence punishable under  
Sections 294(b), 323, 506(i) of I.P.C and Section 4 of TNPHW Act,  
in Crime No.21 of 2023, on the file of the respondent police, seek  
anticipatory bail.

2.The case of the prosecution as per the defacto complainant is  
that the accused persons are to family dispute, on 21.01.2023, the accused persons  
<https://www.tn.gov.in>



abused and assaulted the defacto complainant on her cheek, the complaint.

3.The learned counsel for the petitioners submitted that they are innocent and a false case has been foisted against them, due to family dispute. Now, the injured has been discharged from the hospital and the petitioners are not having any previous case. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that though the petitioners are not having any previous case and the injured has been discharged from the hospital, the accused persons abused and assaulted the defacto complainant. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the nature of family dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.IV, Tirunelveli**, on condition that the petitioners shall execute a 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 learned 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 daily at 10:30 a.m., for a period of two weeks, thereafter, on every Saturday at 6:30 p.m., until further orders and the second petitioner shall report before the respondent Police daily at 10:30 a.m., for a period of one week, thereafter, as and when required for interrogation;

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;



(d) the petitioners shall not abscond either 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]**; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/02/2023

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

PNM  
TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,  
TIRUNELVELI.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
THATCHANALLUR POLICE STATION,  
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MICHEAL SEBASTIN.B Advocate SR.No.2033(I)

ORDER

IN

CRL OP(MD) No.2317 of 2023

Date :08/02/2023

PKP/BUC/SAR-2/14.02.2023/3P/6C