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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2023

PRESENT

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

CRL OP(MD) . No.2608 of 2023

1. Ayyanar,

2. Rajesh,

3. Ramkumar,

... Petitioners/Accused Nos. 1 to 3

Vs

State Rep.by

The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

Crime No.28 of 2023. ... Respondent/Complainant

For Petitioner : M/s.Arun A.V., Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.28 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 427, 294(b), 323, 324 and 506(II) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.28 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel with regard to the love affair of one Parkavi and Santhosh, on 01.02.2023 at about 04.30 p.m., the petitioners went to the de-facto complainant's house, abused him in filthy language and attacked him.

https://www.mca.gov.in/case.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and on account of some family dispute, a false complaint has been given. Hence, he would seek for anticipatory bail.

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4.The learned Government Advocate (Crl. side) would submit that the first petitioner/A1 has four previous cases, out of which, one case is similar in nature and other three cases are registered under the Mines and Minerals Act and the petitioners 2 and 3 has no previous case. However, he vehemently opposed to grant anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Since the first petitioner/A1 has four previous four previous cases, out of which, one case is similar in nature and other three cases are registered under the Mines and Minerals Act, this Court is not inclined to grant anticipatory bail to the first petitioner and this petition is dismissed in respect of the first petitioner is concerned.

7.Taking into consideration of the facts and circumstances of the case and also the fact that the petitioners 2 and 3 are having no previous case, this court is inclined to grant anticipatory bail to the petitioners 2 and 3, with certain conditions:

8.Accordingly, the petitioners 2 and 3 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, Melur, Madurai District, on condition that the petitioners 2 and 3 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 2 and 3 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 2 and 3 shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[c] the petitioners 2 and 3 shall not tamper with evidence or
<https://www.mca21.gov.in/judis> ther during investigation or trial.



[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

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/02/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

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

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

+1 CC to M/s.A.V.ARUN, Advocate (SR-2121[I] dated 10/02/2023)

ORDER

IN

CRL OP(MD) No.2608 of 2023

Date :09/02/2023

PKP/BUC/SAR-1/21.02.2023/3P/6C

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