



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

PRESENT

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

CRL.O.P(MD)No.2546 of 2023

WEB COPY

1.Arunpandi
2.Angalaeswari
3.Periyasamy
4.Muthumari

...Petitioners/Accused 1 to 4

-vs-

The State represented by
The Inspector of Police,
Aviyoor Police Station,
Virudhunagar District.
(Cr.No.16 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.16 of 2023 on the file of the respondent Police.

For Petitioners : Mr.S.Sivaprakash, Advocate

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 341, 294(b), 323, 506(1) IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act in Crime No.16 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant, who is working in Army, is that there is civil dispute between the defacto complainant and the fourth accused and when he came for holidays, the accused attacked him with wooden stick and scolded them with abusive words and the defacto complainant and his mother sustained injury. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the petitioners are innocent persons and due to civil dispute, a false complaint has been given against them. He would also submit that the petitioners are ready to abide by any condition that may be imposed by this Court. He would pray for grant of anticipatory bail to the petitioners.

<https://www.mhc.tr4.gov.in> The learned Government Advocate (crl.side) would submit that



there is civil dispute between the parties due to which the occurrence took place and it is a case of case and counter and counter case has been registered in Crime No.17 of 2023. He would oppose to grant anticipatory bail to the petitioners.

5. Heard the learned Counsel. Taking into consideration the facts and circumstances of the case, 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 No.2, Virudhunagar, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with **one surety** 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 1,3 and 4 shall report before the respondent police everyday at 10.30 a.m for a period of 2 weeks and thereafter every Saturday at 10.30 a.m until further orders. The 2nd petitioner shall appear before the respondent police as and when required for interrogation.

[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/-

08/02/2023

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

CM

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



TO

1 THE JUDICIAL MAGISTRATE NO.2,
VIRUDHUNAGAR.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
AVIYOOR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP (MD) No.2546 of 2023

Date :08/02/2023

VA/SBN/SAR-2/21.02.2023/3P/5C