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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/02/2023

PRESENT

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

CRL OP(MD) . No.3085 of 2023

1. Thenmozhi
2. Rameena
3. Saraswathi
4. Mani Priya
5. Mani Muthu
6. Yesaiya @ Thenprabu
7. Mohamed Asan

... Petitioners/Accused
Rank 2,3,4,6,7,8,9

Vs

The State rep. by,
The Inspector of Police,
Keela Peralachi Police Station,
Virudhunagar District.
(In Crime No.17/2023).

... Respondent/Respondent/
Complainant

For Petitioner : M/s.Selvakumar V,

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.17/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4 & A6 to A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 427 and 506(ii) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.17 of 2023 on the file of the respondent police,

<https://www.mca.gov.in/judis> anticipatory bail.



2.The case of the prosecution is that the petitioners trespassed into the grocery shop of the de-facto complainant, abused her in filthy language and assaulted her with aruval and also caused damage to the articles worth about Rs.3,000/-. Hence, the case.

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3.The learned counsel for the petitioners would submit that it is a case and case in counter and that the petitioners to show their *bona fides*, are ready and willing to deposit a sum of Rs.500/- each to the credit of Crime No.17 of 2023 before the trial Court and hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the petitioners trespassed into the grocery shop of the de-facto complainant, abused her in filthy language and assaulted her with aruval and also caused damage to the articles worth about Rs.3,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6.Taking into consideration of the facts and circumstances of the case and that the petitioners are ready to deposit Rs.500/- each to the credit of Crime No.17 of 2023 before the trial Court, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7.Accordingly, each of the petitioners shall pay a sum of **Rs.500/- (Rupees Five Hundred only) to the credit of Crime No.17 of 2023 before the learned Judicial Magistrate, Aruppukottai**, without prejudice to their rights and contentions before the trial Court and on such deposit being made, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai, 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 learned Magistrate concerned and on further conditions 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 respondent police daily at 10.30 a.m for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.



[c] the petitioners shall not tamper with evidence or either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/02/2023

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

SJI

TO

1. The Judicial Magistrate, Aruppukottai.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
3. The Inspector of Police,
Keela Peralachi Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.3085 of 2023
Date : 16/02/2023