



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2023

PRESENT

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

CRL.O.P(MD)No.3297 of 2023

WEB COPY

1.A.Kanthavel
2.K.Porutselvi

...Petitioners/1st & 7th Accused

-vs-

The State represented by
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
(Cr.No.402 of 2022)

...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.402 of 2022 on the file of the respondent Police.

For Petitioners : Mr.T.A.Punithan, Advocate

For Respondent : Mr.M.Veeranthiran
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 147, 148, 294(b), 324, 427, 448 and 307 of IPC r/w Section 4 of TNPHW Act in Crime No.402 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the de-facto complainant is the sister-in-law of the first petitioner and due to family dispute, the petitioners have abused the de-facto complainant in filthy language and attempted on the life of the de-facto complainant and hence, the case.

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 the petitioners have not committed any offence, as alleged by the prosecution and they are ready to abide by any stringent conditions, that may be imposed on them. Hence, he would seek for anticipatory bail to the petitioners.



4.The learned Government Advocate (crl.side) would submit that the due to a family dispute between the petitioners and the de-facto complainant, the petitioners have abused the de-facto complainant in filthy language and also assaulted her with aruval. He would further submit that the injured has been discharged from hospital. However, he would object for 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, Thiruvaiyaru, 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 respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

[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/-
21/02/2023

WEB COPY

/ TRUE COPY /

/03/2023

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

CMR

TO

1.THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT

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

+1 CC to M/s.T.A.PUNITHAN, Advocate (SR-2726[I] dated 23/02/2023)

ORDER
IN
CRL OP(MD) No.3297 of 2023
Date :21/02/2023

RK/BUC/SAR-3 (02/03/2023) 3P/6C