



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.8273 of 2023

1.Heemanathan
2.Kalai Arasan
3.Kalairani

... Petitioners/Accused No.1 to 3

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.
In Cr.No.3 of 2023

... Respondent/Complainant

For Petitioners : Mr.T.Eashwar, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.3 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 294 (b), 354, 506(ii) IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.3 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner borrowed a sum of Rs.2,50,000/- from the husband of the defacto complainant. Now, the husband is no more. When the defacto complainant asked the first petitioner to return the money, he refused to repay, for which, she lodged a complaint and the same was closed. While being so, on 24.03.2023, the petitioners trespassed into the house of the defacto complainant and outrage her modesty and assaulted her. Hence the case.



3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. 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, Manapparai, 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 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 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/-

28/04/2023

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/05/2023

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

gns

TO

1 THE JUDICIAL MAGISTRATE, MANAPPARAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.



CRL OP(MD)



23

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, MANAPAI
TRICHY DISTRICT.

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

+1 CC to M/s.EASHWAR.T, Advocate (SR-6941[I] dated 28/04/2023)

ORDER

IN

CRL OP(MD) No.8273 of 2023

Date :28/04/2023

RS/VR/SAR-2(17.05.2023) 3P 6C