



WEB COPY



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

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9083 of 2023

1.Dhanalakshmi

2.Arumugam

3.Thiruppathi

4.Aravindh

: Petitioners/A1 to A4

Vs

State rep.by

The Sub-Inspector of Police,
Palanichettypatti Police Station,
Theni District.

(In Crime No.80 of 2023)

: Respondent/Complainant

For Petitioners: Mr.C.Jeganathan,
Advocate

For Respondent : Mr.R.Sivakumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail Crime No.80 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147, 148, 447, 294(b), 323, 324, 506(ii) IPC and Section 4 of Tamil
Nadu Prohibition of Harassment of Women Act, in Crime No.80 of 2023
on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute
between the petitioners and the defacto complainant, the petitioners
said to have trespassed into the defacto complainant's land and
humiliated her and also attacked her. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the first petitioner is in bed ridden and the wife of the first petitioner/second petitioner is taking care of him, hence, they could not appear before the trial Court. Therefore, the Court below has issued NBW against them.

4. The learned Government Advocate (Crl.Side) would submit that NBW was issued against the petitioners.

5. Considering the facts and circumstances of the case and also the fact that there existed civil dispute between the parties, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Theni District, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only), common surety** 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 learned Magistrate may obtain a copy of their Aadhaar 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 the 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]**; and;

(f) if the accused / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/05/2023

/ TRUE COPY /

/05/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
PALANICHETTYPATTI POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.9083 of 2023

Date :18/05/2023

SS/ /SAR /24/05/2023/3P/5C