



WEB COPY

CRL OP(MD).



23

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.8936 of 2023

1. P.Karuppan  
2. Petchiyammal

... Petitioners/Accused No.1 & 2

Vs

State Rep.by  
The Inspector of Police,  
Aundipatti Police Station,  
Theni District.  
Crime No.162 of 2023.

... Respondent/Complainant

For Petitioners : M/s.S.Malaikani, Advocate.  
For Respondent : Mr.M.Sakthi Kumar  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.162 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 294(b), 323 and 506(ii), 379 N/P of IPC and Section 4 of Tamil Nadu Prohibition of Harasment of Women Act, in Crime No.162 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 02.05.2023, when the defacto complainant was cleaning in front of house, the petitioners picked up quarrel with the defacto complainant and abused the defacto complainant and snatched a chain from the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that it is a case in counter case.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the investigation is almost completed and it is a case in counter.

5.Considering the facts and circumstances of the case and also the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and 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, Aundipatti, 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 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 on every Wednesday at 10.30 a.m., until further orders;

(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.

ssb



TO

1 THE JUDICIAL MAGISTRATE, AUNDIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, AUNDIPATTI POLICE STATION,  
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8936 of 2023

Date :18/05/2023

RS//SAR-(25.05.2023) 3P 5C