



CRL OP(MD). No.17933 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17933 of 2023

1. Muthu

2. Siva @ Sivaramanarayanan

3. (*)Thamarai Kannan

4. Selvam @ Ponirulappan

5. Vijayan @ Vijayakumar

... Petitioners/ Accused Nos.1 TO 5

Vs

The State represented by
The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
Crime No. 264 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Prabha S,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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



CRL OP(MD). No.17933 of 2023

PRAYER:-

For Anticipatory Bail in Crime No. 264 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 355, 323, 354, 379 (NP) of IPC r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.264 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners herein said to have waylaid the defacto complainant and attacked the her and also abused her in filthy language. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is case of civil dispute and there is no previous case pending against the petitioner and the investigation of the case is pending.



WEB COPY

5. Considering the facts and circumstances of the case and also considering the fact that it is a case of civil dispute and that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following 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 No.II, Sattur, Virudhunagar District 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 condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioners shall appear before the respondent police on receipt of summons.

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



CRL OP(MD). No.17933 of 2023

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

WEB COPY

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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/-
09/10/2023

(*)Cause Title Amended as per Order of the Court dt.01/02/2024 in CrI.MP(MD). 1069 & 1070/2024 in CrI.OP(MD). 17933/2023 by MDIJ.

Further Time granted by this Court to comply with the condition imposed vide order dated 09.10.2023 in CrI.O.P.(MD). No.17933 of 2023 is extended for a period of two weeks from the date of receipt of amended copy of this order.

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.17933 of 2023

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER DT.09.10.2023 IS ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.II
SATTUR, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
VEMBAKKOTTAI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+2 CC to M/s.K.DINESH, Advocate (SR-1394 & 1395[I] dated 05/02/2024)

ORDER

IN

CRL OP(MD) No.17933 of 2023

Date :09/10/2023

SS/VRS/17/10/2023/5P/6C

TTA

SA/GS/SAR. /09.02.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023