



CRL OP(MD)No.19123 of 2023

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

Date : 31.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.19123 of 2023

1.Alagarsamy

2.N.Subramaniyan

... Petitioners/ Accused Nos.1 and 2

Vs

The State represented by  
The Inspector of Police,  
Jeeyapuram Police Station,  
Trichy District.  
(Crime No.257 of 2023)

... Respondent/Complainant

For Petitioners : Mr.D.Saranya, Advocate

For Respondent : Mr.R.Suresh Kumar,  
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.257 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 offences punishable under Sections 294(b), 323, 506(i) and 355 IPC in Crime No.257 of 2023, seek anticipatory bail.



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2.The case of the prosecution is that there was some misunderstanding between the defacto complainant and his wife. On 25.09.2023, when the defacto complainant asked his wife to come to their house, the accused persons, who are the relatives of the wife, abused the defacto complainant in filthy language, assaulted and also threatened him with dire consequences. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that due to family dispute, the accused persons attacked the defacto complainant. He would further submit that the investigation is not yet completed.

5.Considering the nature of allegations levelled as against the petitioners and taking into consideration the principles stated by the Honourable Supreme Court in *Gurubaksh Singh Sibbia Etc., vs. State of Punjab* reported in 1980 AIR 1632 and



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*Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others* reported in

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(2009)4 SCC 437 and *Joginder Kumar vs. State of U.P. and others* reported in (1994)

4 SCC 260 and taking into consideration the origin of crime, it is seen that the

offence alleged as against the petitioners is not a case of heinous crime. Further the

petitioner is having permanent residence at Pudukkottai District and the second

petitioner is having permanent residence at Trichy District. Hence the principles

stated in *Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar* reported in

*AIR 1979 SC 1360* is taken into consideration. In that case, the Hon'ble Supreme

Court has cautioned that pre-trial detention is not to be encouraged nor is to be

encourageable pre-trial release on sureties; that if the Court is satisfied after taking

into consideration that the accused has his roots in the community and is not likely

to abscond, he can safely be released on his personal bond.

6. In view of the above, this Court is inclined to grant anticipatory bail to the

petitioners. 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 is made ready, before the learned Judicial Magistrate No.III,

Trichy on condition that the petitioners shall execute a **own** bond for a sum of

Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police



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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 shall affix his photograph 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 trial Court on summons.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
31/10/2023

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/11/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

GNS  
TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE INSPECTOR OF POLICE  
JEEYAPURAM POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.SARANYA, Advocate ( SR-15699[I] dated 31/10/2023 )

ORDER  
IN  
CRL OP(MD) No.19123 of 2023  
Date :31/10/2023

SS/JGB/SAR- /16/11/2023/5P/6C

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