



CRL OP(MD). No.19374 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon'ble Mr.Justice R.SAKTHIVEL

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1.Murugesan

2.Raji @ Rajeswari

... Petitioners/ Accused No.1 & 2

Vs

The State rep. by,
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(Crime No.253 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.A.S.Rajeswari, 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.253 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(i) of I.P.C. in Crime No.253 of 2023 on the file of the respondent police, filed this petition under Section 438 of Cr.P.C. praying to grant an order of pre-arrest bail.

2. The case of the prosecution is that one Rajeswari and the defacto complainant are friends. On 18.10.2023, the defacto complainant went to her friend Rajeswari house. At that time, petitioners came there and abused the defacto complainant and her friend by using filthy language and threatened them with dire consequences. Hence, the defacto complainant filed a complaint. Based on the said complaint, the above said case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have permanent residence at Virudhunagar District and therefore, there is no possibility for absconding. Further, he submitted that petitioners are ready to obey the conditions to be imposed by the Court. Accordingly, he prayed to allow the petition.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the first petitioner has one previous case under Section 307 of IPC and the investigation is not yet completed. At this stage of investigation, if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and witnesses and thereby, delay the investigation. Accordingly, the learned Government Advocate raised objection for granting pre-arrest bail.

5. Heard on both sides. This Court has perused the records.

6. Petitioners and the defacto complainant are known to each other. Petitioners have permanent residence. Except the offence under Section 506(i) of IPC, other offences namely 294(b) and 323 IPC are bailable in nature. Considering the nature of the offences allegedly committed by the petitioners, this Court is of the view that custodial interrogation of the petitioners is not necessary. Hence this Court does incline to allow the Petition however subject to conditions:

(i) Pre-arrest bail is granted to the petitioners.

(ii) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the Judicial Magistrate, Aruppukottai within 15 days



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from today, on their executing a bond for Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Aruppukottai.

(iii) The petitioners shall appear and sign before the respondent police weekly twice i.e., on Monday and Friday at 10 a.m., until further orders.

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proof to ensure their identity.

(v) The petitioners shall not tamper with the evidence or witness either during investigation or trial.

(vi) The petitioners shall appear and co-operate with the Investigating Agency as and when required for investigation.



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of IPC.

(vii) If the petitioners abscond, a fresh FIR shall be registered under Section 229 of IPC.

(viii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) 13 SCC 283].

sd/-
26/10/2023

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

mbi

TO

1 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR

3 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.



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

+1. CC TO A.S. RAJESWARI ADVOCATE SR.NO.15633, DT.26.10.2023.

ORDER

IN

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Date :26/10/2023

SI/VRS/SAR- /06.11.2023/6P/6C

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