



CRL OP(MD). No.19575 of 2023

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

Date : 02/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Anwar Raja

2. Ajmeer Raja

... Petitioners/ Accused ranks not known

Vs

The State represented by
The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
Crime No.210/2023.

... Respondent/Complainant

For Petitioner : M/s.Gayathri.N,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.210/2023 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



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respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998 in Crime No.210 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and others were trespassed into the petitioners' coconut grove and cutting the coconut. When the same was questioned by the petitioners, there was a wordy quarrel between them, in which, the petitioners abused the de-facto complainant and others in filthy language and attacked them with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the counter case in Crime No.211 of 2023 is pending against the de-facto complainant and others. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that it is a case and case in counter and the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.



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5. Taking note of the facts and circumstances of the case and also taking note of the facts that it is a counter case and the injured has been discharged from the hospital 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 *Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others* reported in (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 origine of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having permanent residents at Melur Taluk, Madurai 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 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.



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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 made ready, before the learned District Munsif cum Judicial Magistrate Court, Ponnamaravathi, Pudukkottai District, on condition that the petitioners shall execute **own** bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police 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 report before the trial Court on receipt of summons;

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

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

[d] 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



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by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

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Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

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

sd/-

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

SJI

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
PONNAMARAVATHI,
PUDUKKOTTAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PONNAMARAVATHI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.N.GAYATHRI, Advocate (SR-15945[I] dated 06/11/2023)

ORDER

IN

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Date :02/11/2023

SS/DD/SAR- /17/11/2023/6P/6C

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