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CRL.O.P(MD)N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22456 of 2022

1.Selvaraj

2.Rani

3.Baby Josephin

4.Kalaimathi

...Petitioners/Accused Rank not known

-vs-

State represented by
Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(in Cr.No.506 of 2022)

...Respondent/Complainant

Lakshmi Prabha

...Intervener/Defacto Complainant
in CRL MP(MD)No.439 of 2023

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.506 of 2022 on the file of the respondent Police.

For Petitioners : Mr.S.Abdul Muthalif, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

For Intervenor : Mr.Musthafakhan, Advocate
in Crl MP(MD)No.439 OF 2023

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 427, 323 341, 506(i), 379 IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act in Crime No.506 of 2022 on the file of the respondent Police, seek anticipatory bail.



2.The case of the prosecution as per the de-facto complainant Lakshmi Prabha is that her brother-in-law Selvaraj is living near his house and her brother-in-law and her husband were doing business jointly. During such time, the brother-in-law misbehaved with her with bad intention and she had told him not to do so. While so, on 20.08.2022 at 9.30 a.m on the instigation of her sister-in-law, her brother-in-law and other relatives have trespassed into her house and attacked and dragged her 50 feet due to which she sustained injuries and they have attempted to outrage her modesty and abused her in filthy language and they have also taken her jewels. Hence, the complaint.

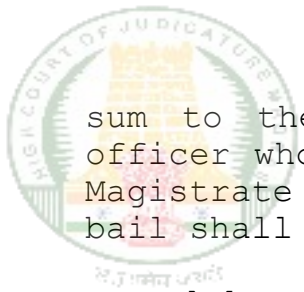
3.The learned Counsel for the Petitioners would submit that the petitioners are innocent persons and a false complaint has been given. He would also submit that the defacto complainant's husband and the petitioners are close relatives and the first petitioner and the husband of the defacto complainant were doing business together and subsequently due to dispute they have split up the business and the defacto complainant's husband instigated her to give false complaint and no such occurrence has happened. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the case has been registered based on the direction issued by the Judicial Magistrate, Nilakottai under Section 156(3) Cr.P.C. As per the complaint, the first accused had misbehaved with the defacto complainant and on 20.08.2022 all the accused trespassed into the house of the defacto complainant and abused her with filthy language and outraged her modesty and removed her jewels and taken away the same. He opposes to grant anticipatory bail.

5. The learned counsel for the intervenor submitted that the first petitioner misbehaved with the defacto complainant with bad intention and the accused joined together and trespassed into the house of the defacto complainant and dragged her by holding her hairs for about 50 feet in the street and abused her with filthy language. He strongly object for grant of anticipatory bail to the petitioners.

6.Heard. Perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Nilakkottai, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Ten Thousand only) each with two sureties each for a like



sum to the satisfaction of the respondent police or the 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 and the sureties shall affix their photographs 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 respondent police everyday at 10.30 a.m. until further orders.

[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]**.

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

sd/-
12/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM
TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.



CRL.O.P(MD)N



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

+1. CC to M/S. N.BALASUBRAMANIAN Advocate SR.No.2841(F)

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ORDER

IN

CRL OP(MD) No.22456 of 2022

Date :12/01/2023

PKP/BUC/SAR-4/25.01.2023/4P/6C