



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

Date : 20/01/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP (MD) . Nos.22666 & 22991 of 2022

1.Sarun

... Petitioner/Accused No.1
in Crl.O.P. (MD) No.22666 of 2022

1. Balakrishnan
2. Shanthi
3. Muthulakshmi
4. Palanikumar

... Petitioners/Accused No.2 to 5
in Crl.O.P. (MD) No.22991 of 2022

Vs

State Rep.by
The Inspector of Police,
Thallakulam Police Station,
Madurai City.
Crime No.891 of 2022.

... Respondent/Complainant
in both petitions

In both petitions:

For Petitioner : M/s.Veerakumar T,
Advocate.
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)
For Intervenor : Mr.R.Narayanan, Advocate

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.891 of 2022 on the file of
the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 109, 294(b), 324 and 506(ii) of I.P.C. and Section 4 of Tamil
Nadu Prohibition of Harassment of Women act, 2002, in Crime No.891
of 2022 on the file of the respondent police, seek anticipatory
bail.

<https://www.mhc.trid.govt.in/judis> case of the prosecution is that due to matrimonial



dispute, on 16.12.2022, the petitioners abused and assaulted de-facto complainant and her relatives. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and due to a matrimonial dispute, a false complaint has been given against them. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed on them. He would also submit that it is a case and case in counter and hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the petitioners, due to matrimonial dispute, abused and assaulted the de-facto complainant. However, he would also submit that it is a case and case in counter and on the complaint given by the first petitioner, a case in Crime No.892 of 2022 has been registered against the de-facto complainant.

5.The learned counsel for the intervenor would submit that the de-facto complainant is right now living on the roads and the first accused has taken away the house key and he has not handed over the house key to them.

6.At this juncture, the learned counsel for the petitioners would submit that the petitioners are ready to hand over the house key to the de-facto complainant even right now and he is also handing over the house key to the de-facto complainant.

7.Heard. Perused the materials available on record including the First Information Report.

8.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

9.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, Madurai, Madurai 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 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 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.

<https://www.mhc.tn.gov.in/judsh> the first petitioner shall report before the respondent



Police, daily at 10.30 a.m., until further orders; petitioners 2 to 5 shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, on every Saturday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/01/2023

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/01/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, THALLAKULAM POLICE STATION, MADURAI CITY.

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

ORDER

IN

CRL OP (MD). Nos. 22666 & 22991 of 2022

Date : 20/01/2023

RS/SSS/SAR.4 (30.01.2023) 3P-5C