



CRL.O.P.(MD).No.22118 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date: 08.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL.O.P.(MD).No.22118 of 2023

1.Samydurai

2.Packiyaselvi

3.Samydass

... Petitioners/ Accused

Vs

The Inspector of Police,
Valinokkam Police Station,
Ramanathapuram District.
(crime No.90 of 2023)

... Respondent/Complainant

For Petitioners :Mr.M.Pandian, Advocate

For Respondent :Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.90 of 2023 on the file of the Respondent Police.



CRL.O.P.(MD).No.22118 of 2023

WEB COPY

ORDER: The Court made the following order:-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections (*)294(b), 342, 323, 324 and 506(ii) of IPC and U/s 4 of Tamilnadu Prohibition of Harassment of Woman Act 2002 in Crime No.90 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners herein abused, assaulted and also criminally intimidated the defacto complainant, hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that it is a case and case in counter and hence, he seeks anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to wordy quarrel, the petitioners herein abused, assaulted and also criminally intimidated the defacto complainant hence, he objected to grant anticipatory bail to the petitioners.

5.It is reported that the injured was discharged from the hospital and no previous case pending against the petitioner.



CRL.O.P.(MD).No.22118 of 2023

WEB COPY

6. 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 Kamendra 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 Virudhunagar 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, they can safely be released on their personal bond.

7. 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 Judicial Magistrate, Kadaladi, on condition that the petitioners shall execute own bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police

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CRL.O.P.(MD).No.22118 of 2023

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 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 receipt of 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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CRL.O.P.(MD).No.22118 of 2023

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[f] If the accused thereafter absconds, a fresh FIR can be registered under

Section 229A IPC.

sd/-

08/12/2023

(*)Amended as per order of this Hon'ble Court in
CRL MP(MD).153/2024 in CRL OP(MD).22118/2023
dated 09/01/2024

Time granted by this court to comply with the
condition imposed vide order dated 08.12.2023 in
CRL OP(MD)No. 22118 of 2023 is extended for a
period of two weeks from the date of receipt of
amended copy of this order.

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/01/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

CMR

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 08/12/2023

1 THE JUDICIAL MAGISTRATE,
KADALADI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
VALINOKKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.



CRL.O.P.(MD).No.22118 of 2023

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

+1 CC to M/s.M.PANDIAN, Advocate (SR-376[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) No.22118 of 2023

Date :08/12/2023

SS/DD/SAR- /21/12/2023/5P/6C

SJI
PKP/DD/SAR /23.01.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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