



CRL OP(MD) No.793 of 2024

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

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.793 of 2024

1 ERULAPPAN

2 MURUGAN

3 KALAISELVAM

4 ANBALAGAN

5 MUTHUMARI

6 BANUMATHI

... PETITIONERS / ACCUSED Nos. 1 to 6

Vs

**THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.369/2023.**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.ANANTHA MURUGAN.S.M Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.V.KISHORE KUMAR, Advocate



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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.369/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 294(b), 323, 324 and 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.369 of 2023, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute between the first petitioner's wife and the de-facto complainant's mother while fetching water in the public tap, due to which, on 08.12.2023, there was a wordy quarrel between them, in which, the petitioners attacked the de-facto complainant and caused injuries to her. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and it is a case and case in counter and the injured was already discharged from the hospital.



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However, on instruction, he further submitted that the petitioners, without prejudice to their rights, are ready and willing to deposit a sum of Rs.25,000/- to the de-facto complainant directly by way of demand draft. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the intervenor submitted that the injured person/defacto complainant was admitted in the hospital for taking treatment of 25 days and she has spent a sum of Rs.2,00,000/- for treatment purposes and hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. side) appearing for the respondent police submitted that the injured was discharged from the hospital. However, he strongly opposed to grant anticipatory bail to the petitioners.

6.Considering the facts that it is a case and case in counter and the injured was already discharged from the hospital and also considering the fact that the petitioners are ready and willing to deposit a sum of Rs.25,000/- to the de-facto complainant by way of demand draft, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Additional Mahila Court, Srivilliputhur, Virudhunagar 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of demand draft drawn in favour of the de-facto complainant and also produce the same before the concerned Court while executing sureties. Thereafter, the learned Magistrate shall handover the said demand draft to the de-facto complainant directly;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank

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pass Book to ensure their identity;

(d)the petitioners shall report before the respondent police as and when required for interrogation;

(e)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond either during investigation or trial;

(g)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]; and;

(h)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO COPY

- 1 THE ADDITIONAL MAHILA JUDGE
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.KISHORE KUMAR, Advocate (SR-783[I] dated 18/01/2024)

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-831[I] dated 19/01/2024)

ORDER
IN
CRL OP(MD) No.793 of 2024
Date :18/01/2024

PKP/VR/SAR /23.01.2024/ 6P/ 6C
Madurai Bench of Madras High Court is issuing certified
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