



CRL OP(MD) No.1522 of 2024

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

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 JEYABHARATHI

2 NITHI @ JEYANITHI

3 THANGAMANI

... PETITIONER/ ACCUSED NOS.1,3&4

Vs

THE INSPECTOR OF POLICE
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT,
CRIME NO.16/2024

... RESPONDENT/COMPLAINANT

For Petitioners : MR.K.SATHISH KUMAR, Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.16/2024 ON THE FILE OF
THE RESPONDENT POLICE



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ORDER : The Court Made the following order :-

The petitioners/A1, A3 & A4, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.16 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute between the petitioners and the defacto complainant, the petitioners abused the defacto complainant in filthy language and attacked her with iron rod and caused injuries to her. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that it is a case and case in counter. Counter case has been registered in Crime No.15 of 2024 against the defacto complainant and the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) appearing for the State submitted that due to property dispute between the petitioners and the defacto complainant, the petitioners abused the defacto complainant in filthy language and attacked her with iron rod and caused injuries to her. It is a case and case in counter. Already counter case has been registered against the defacto complainant in Crime No.15 of 2024 and the injured was discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter and already, counter case has been registered against the defacto complainant and the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are granted anticipatory bail and they 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 Judicial Magistrate, Singampunari, Sivagangai 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



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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 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 pass Book to ensure their identity;

(c) the petitioners 2 & 3 shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and required for interrogation, and the first petitioner shall report before the respondent police as and required for interrogation;

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

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

(f) 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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
15/02/2024

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/02/2024

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

dss

TO

1.THE JUDICIAL MAGISTRATE, SINGAMPUNARI, SIVAGANGAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE INSPECTOR OF POLICE
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT,

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

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-1988[I] dated 16/02/2024)

ORDER

IN

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Date :15/02/2024

RK/JGB (21/02/2024) 5P / 6C

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