



CRL OP(MD) No.1754 of 2024

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

Monday, the Twelfth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1754 of 2024

1 JEYASURYA

2 DINESH

... PETITIONER / ACCUSED No.1 & 2

Vs

1 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.22 OF 2024.

2 THANGAM

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.RAMSUNDARVIJAYRAJ, Advocate

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

For Intervenor : Mr.S.MAHENDRAPATHY, Advocate

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.22 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioners / Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294 (b), 323, 324 and 506(2) of I.P.C. r/w section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, seek anticipatory bail.

2. The case of the prosecution is that the *defacto* complainant is a Librarian in the Library at Periya Ilanthaikulam Village. On 13.01.2024, when the defacto complainant was in the Library, all the accused persons shouted in filthy language. Hence, the defacto complainant warned them. Due to which, the accused persons attacked him with wooden log and caused injury to him. When the *defacto* complainant's sister intervened in the said occurrence, all the accused persons pulled her hair and kicked her. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the allegation against the petitioners is that they attacked the *defacto* complainant and her sister and damaged the library articles. He would further submit that the petitioners, without prejudice to their rights, are jointly ready to deposit a sum of Rs.20,000/- to the defacto complainant.

4. The learned counsel appearing for the defacto complainant vehemently opposed for grant of anticipatory bail to the petitioners herein.



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5. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners.

7. 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, Vadipatti, 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 and on further condition that:

(a). as per the undertaking given by the petitioners, the petitioners jointly shall make a demand draft for a sum of Rs.20,000/- (Rupees Twenty Thousand only) in favour of the *defacto* complainant. The petitioners are directed to produce the copy of the Demand Draft at the time of execution of sureties before the concerned learned Judicial Magistrate and thereafter, sureties shall be accepted.



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(b).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;

(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 pass Book to ensure their identity;

(d).the petitioners are directed to appear 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;



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

sd/-
12/02/2024

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/02/2024

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

TSG

TO

- 1 THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.
 - 3 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-1774[I] dated
13/02/2024)



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ORDER
IN
CRL OP(MD) No.1754 of 2024
Date :12/02/2024

SS/VR/SAR- /15/02/2024/6P/6C

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