



CRL OP(MD) No.2359 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

CRL OP(MD) No.2359 of 2024

1 J.JESINTHA MARY

2 J.AMALAREEGAN

... PETITIONERS / ACCUSED No.1 & 2

Vs

THE INSPECTOR OF POLICE
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR.NO.23/2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.RAMANATHAN.K. 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. 23/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent



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police for the alleged offence under Sections 294(b), 324, 506(ii) of IPC r/w 4 of TNPHW, in Crime No.23 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that on 28.01.2023, at about 05.30 p.m, when the first petitioner and the defacto complainant were taking water in the common water tap, there was wordy quarrel arose between them. Due to which, the petitioners abused the defacto complainant in filthy language and threatened her with dire consequences and also attacked her 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.24 of 2024 against the defacto complainant and the injured person was already discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that it is a case and case in counter. Already, counter case has been registered against the defacto complainant in Crime No.24 of 2024 and the injured person was already discharged from the hospital.



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5. Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter, already, counter case has been registered against the defacto complainant and the injured person was already 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 Judicial Magistrate Court, Thiruvadanai, Ramanathapuram 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 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 second petitioner shall report before the respondent police daily 10.30



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**a.m, for a period of two weeks and thereafter as and when required for
interrogation and the first petitioner shall report before the respondent police as
and when 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 in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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

DSS



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TO
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- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
THONDI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2359 of 2024
Date :15/02/2024

SS/VR/SAR- /22/02/2024/5P/5C

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