



CRL OP(MD) No.4963 of 2024

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

Thursday, the Twenty Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 R.PERIYAMPILLAI
2 M.RAMAR
3 LAKSHMI

... PETITIONERS/ACCUSED NOS.1 TO 3

Vs

THE SUB INSPECTOR OF POLICE
BALAMEDU POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.47/2024).

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.VEERAPANDISELVARAJ, Advocate

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

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.47/2024 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 to 3, who apprehend arrest at the hands of the
respondent Police for the alleged offence punishable under Sections 294(b), 323, 324,
427, 506 (ii) and 379 I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Harassment of



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Woman's Act, 2002 in Crime No.47 of 2024, on the file of the respondent Police, seek
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anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel arose between the petitioners and the defacto complainant, the petitioners herein abused the defacto complainant by using filthy language and damaged the bike belonged to him and took away a sum of Rs.44,300/- from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would further submit that, the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.44,300/- to the defacto complainant. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first petitioner is having ten previous cases and no previous cases are pending against petitioner Nos.2 and 3. He would further submit that the accused persons have not returned the alleged amount to the defacto complainant till date.

5. Considering the facts and circumstances of the case and the petitioner himself come forward to deposit the amount, this Court is inclined to grant anticipatory bail to the petitioners.



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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, Vadipatti and 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 shall deposit a sum of Rs.44,300/- (Rupees Forty Four Thousand and Three Hundred only) to the credit of Crime No.47 of 2024 before the learned Judicial Magistrate, Vadipatti and on such deposit, the learned Judicial Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of the petitioners succeed in the criminal case, the petitioners will be entitled for the refund of the said amount.

(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



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pass Book to ensure their identity;

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(d). the petitioners are directed to appear before the respondent police for a period of two weeks at 10.30 P.M., and thereafter, 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/03/2024

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/04/2024

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



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TO

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1 THE JUDICIAL MAGISTRATE, VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE, BALAMEDU POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.G.GANGAI AMARAN, Advocate (SR-3907[I] dated 28/03/2024)

ORDER

IN

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Date :28/03/2024

RS/JGB/SAR-(08.04.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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