



CRL OP(MD).No.7097 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.7097 of 2024

1. Ruth Sivakumar
2. Vinitha
3. Muthukumar
4. Vinoth

... Petitioners/ Accused No.1 to 4

Versus

State Rep. by its
The Inspector of Police,
Sernthamaram Police Station,
Tenkasi District.
(Crime No.168 of 2024)

... Respondent/Complainant

For Petitioners	: Mr.R.J.Karthick Advocate
For Respondent	: Mr.P.Kottai Chamy Government Advocate (Crl. Side)
For Intervenor	: Mr.V.Sukumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.168 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.168 of 2024, for the offence under Sections 294(b), 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant with regard to the construction in a four feet common lane. On that account, on 11.05.2024, the petitioners abused the defacto complainant in filthy language and assaulted her. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence. However, they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the defacto complainant has produced photographs and submits that the defacto complainant has sustained serious injuries. Therefore, he opposes for grant of anticipatory bail to the petitioners.



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5. The learned counsel appearing for the petitioner submits that the marriage was fixed for the 4th petitioner on 17.05.2024 and for that purpose, they have made certain alteration in the compound wall, which was objected by the defacto complainant. According to the petitioners, the defacto complainant is the aggressor and she has created some problem. In the course of incident, the defacto complainant fell down and sustained injuries and it is not intentional. He further submits that the petitioners, in order to show their *bona fide*, are prepared to pay a sum of Rs.10,000/- to the defacto complainant for her treatment, without prejudice their defense in the criminal case.

6. The learned Government Advocate (Crl. Side) appearing for the respondent Police submits that the investigation is yet to be completed.

7. Considering the nature of offence and also considering the submission made by the learned counsel for the petitioners that the petitioners are willing to pay a sum of Rs.10,000/- to the defacto complainant for her treatment, this Court is inclined to grant anticipatory bail to the petitioners.



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8. 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 Judicial Magistrate on condition that

(*) (i) the petitioners is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Tenkasi.

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address.

(iii) The petitioners shall appear before the respondent police as and when required for interrogation. They have to co-operate for the investigation.

(iv) The petitioners shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the defacto complainant for her medical expenses, without prejudice their defense in the criminal case.

(v) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.



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(vi) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail. Consequently, Crl.M.P.(MD)No.5622 of 2024 is closed.

sd/-
10/06/2024

**(*)CORRECTED AS PER ORDER OF THE
COURT DATED 28.06.2024 IN CRL OP
(MD)NO.7097 OF 2024**

/ TRUE COPY /

/07/2024

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

OGY
TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 10.06.2024 ALREADY
DESPATCHED**

- 1 THE JUDICIAL MAGISTRATE,
TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
SERNTAMARAM POLICE STATION, TENKASI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER

IN

CRL OP(MD) No.7097 of 2024

Date :10/06/2024

SS/JGB/SAR- /20/06/2024/5P/5C
RK/VR (05.07.2024) 5P/5C

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