

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl.O.P.Nos.8007 to 8011 of 2020

Thanapal,  
Son of Senan,

.. Petitioner/Accused-2  
(in Crl.O.P.No.8007 of 2020)

Prasanth,  
Son of Dhanapal,

.. Petitioner/Accused-1  
(in Crl.O.P.No.8008 of 2020)

Maheswari,  
Wife of Dhanapal,

.. Petitioner/Accused-3  
(in Crl.O.P.No.8009 of 2020)

Puhazhanthi,  
Son of Dhanapal,

.. Petitioner/Accused-4  
(in Crl.O.P.No.8010 of 2020)

Muthukumar,  
Son of Dhanapal,

.. Petitioner/Accused-5  
(in Crl.O.P.No.8011 of 2020)

all are residing at  
Kaliyaperumal Mela Street,  
Melapoovanur, Needamangalam Taluk,  
Thiruvavarur District.

Vs.

State by  
The Inspector of Police,  
Needamangalam Police Station,  
Tiruvavarur.

..Respondent/Complainant  
(in all the cases)

(Crime No.386 of 2020)

**Common Prayer:** Criminal Original Petitions filed for anticipatory bail  
under Section 438 of Criminal Procedure Code.

For Petitioners : Mr.M.Jaikumar  
(in all the cases)

For Respondent : Mr.M.Jothikumar  
Additional Public Prosecutor  
(in all the cases)

**COMMON ORDER**

सत्यमेव जयते

The petitioners, who apprehend arrest at the hands of the respondent  
Police for alleged offence punishable under Sections 147, 294(b), 323, 506(i)  
of Indian Penal Code, 1882 and 4 of Women Harassment Act, 2002 in Crime  
No.386 of 2020, seek anticipatory bail.

2.The case of the prosecution is that on 19.04.2020 at 08.30 p.m., when the defacto complainant's wife was taking bath in the backyard of their house, A1 has seen her. The defacto complainant and his wife went to the house of the accused persons and questioned A1 about the same. At that time, A1 and other accused persons abused the defacto complainant and his wife in filthy language, A1 attacked the defacto complainant and his wife with wooden rod. When the neighbours came, the accused persons escaped from the place of occurrence and threatened the defacto complainant and his wife with dire consequences. On complaint, case has been registered under Sections 147, 294(b), 323, 506(i) of Indian Penal Code, 1882 and 4 of Women Harassment Act, 2002.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. The defacto complainant is neighbour of the petitioners. When A1 came out of the backside of his house, the defacto complainant has mistaken that he had seen his wife taking bath and there was a wordy quarrel. The petitioners are ready

to furnish sureties and abide by any conditions that may be imposed by this Court and prayed for granting anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that on complaint, case has been registered and the defacto complainant is discharged from the hospital now. Investigation is pending and opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Considering the nature of allegations made against the petitioners, defacto complainant is discharged from hospital and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within 15 days from the date of receipt of a copy of this order

before the Court of the District Munsiff cum Judicial Magistrate, Needamangalam, on condition that each of 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 concerned Judicial Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) The petitioners and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) A1 (petitioner in CrI.O.P.No.8008 of 2020) shall report before the respondent Police daily at 10.30 a.m., for interrogation. A2, A4 and A5 (petitioners in CrI.O.P.Nos.8007, 8010 and 8011 of 2020) shall report before the respondent Police twice in a week on every Monday and Friday at 10.30 a.m., until further orders. A3 (petitioner in CrI.O.P.No.8009 of 2020) shall report before the respondent Police as and when required for interrogation.

(iii) The petitioners shall not abscond either during investigation or



trial. The petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioners thereafter abscond, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, all the Criminal Original Petitions are allowed.

सत्यमेव जयते

29.05.2020

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Index : Yes / No  
Internet : Yes / No  
Speaking/Non-speaking order

WEB COPY

To

- 1.The Inspector of Police,  
Needamangalam Police Station,  
Tiruvarur.
- 2.The Public Prosecutor,  
High Court,  
Madras.



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**V.M.VELUMANI, J.,**

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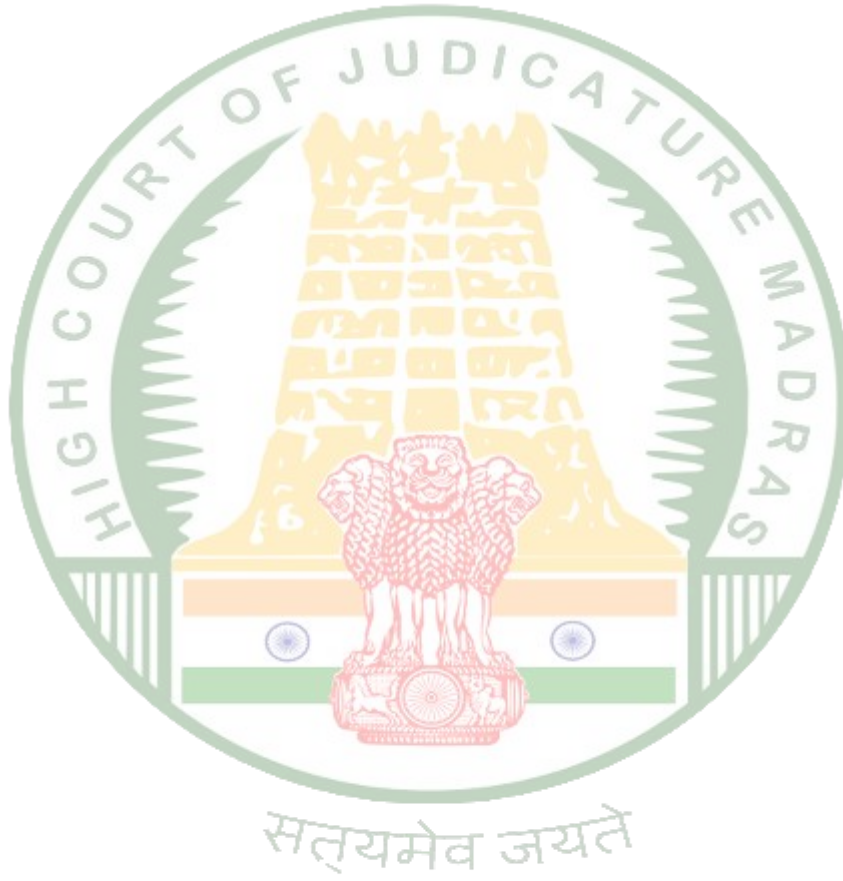


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