



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

Friday, the Twenty Third day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4530 of 2018

SUDHAGAR,

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO.65 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.RAJESHWARAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 447, 506(i) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 , in Crime No.65 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to business enmity, previously, the defacto complainant lodged a complaint against this petitioner. For which, the petitioner abused the defacto complainant by using the filthy language and also threatened the defacto complainant to get the back the complaint lodged against this petitioner. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate(Criminal Side) appearing

for the State submitted that investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, due to business enmity, the petitioner unlawfully entered into the house of the defacto complainant and threatened him to get back the complaint lodged against the petitioner. Admittedly, no body injured in the alleged occurrence. So, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation. Since the alleged offence was happened for withdrawing the complaint, this Court decided to impose some stringent condition for granting anticipatory bail to the petitioner. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the Anna Nagar Police Station, Madurai daily at 10.00 a.m. until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

sd/-

23/03/2018

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msa
TO

1 THE JUDICIAL MAGISTRATE NO.IIII, NAGERCOIL

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
SUCHINDRAM POLICE STATION, KANYAKUMARI DISTRICT

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

5 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI

+1. CC to M/S.K.RAJESHWARAN Advocate SR.No.4747

GJM/CM/VR/SAR-2-28.3.18-3P-7C

ORDER

IN

CRL OP(MD) No.4530 of 2018

Date :23/03/2018 (1/2)