



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

Friday, the Sixteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20207 of 2018

BRANESH BHARATH

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
IN CRIME NO.429 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.RAJESHWARAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

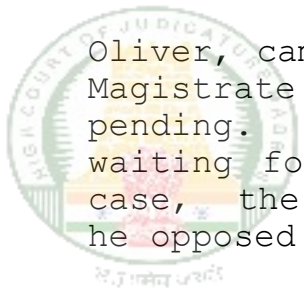
ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b) and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.429 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner who is an advocate clerk attached to the office of the Mathiyas Advocate at Padmanabapuram, Kanyakumari District. On 02.11.2018, the defacto complainant came to the Judicial Magistrate, Padmanabapuram for a case in C.C.No.286 of 2017 and also filed four money suits and 15 cheque bounce cases in the said Court. At about 11.15 am, when the defacto complainant was waiting for her advocate clerk to know about the case, the petitioner herein misbehaved with her and abused her in a filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence. He further submitted that there is no case pending between the petitioner and the defacto complainant as alleged by her in the complaint.

4.The learned counsel for the intervenor would submit that the defacto complainant who is represented by her advocate, namely Sam



Oliver, came to attend for a cheque bounce case before the Judicial Magistrate Court, Padmanabapuram in C.A.No.89 of 2018 which is pending. At about 11.15 a.m., when the defacto complainant was waiting for her advocate clerk to know about the progress of the case, the petitioner is said to have used filthy language. Hence, he opposed to grant anticipatory bail.

5. Heard the learned Government Advocate (Crl.side) for the respondent police.

6. Considering the rival submissions and the character certificate issued by the Bar Association, Padmanabapuram stating that the petitioner is a clerk for the past 18 years and he has got a good character and further, no personal legal case is pending against him, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner 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.I, Padmanabapuram, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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].

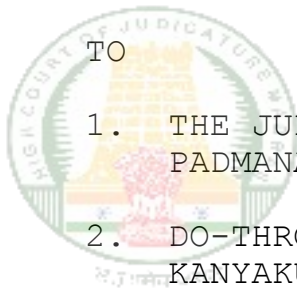
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/11/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I,
PADMANABAPURAM, KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
THUCKALAY POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.RAJESHWARAN Advocate SR.No.21663
+1CC TO Mr.G.GENIL, Advocate, Sr No.95698

ORDER
IN
CRL OP(MD) No.20207 of 2018
Date :16/11/2018

MS/VR-MMS/SAR-4/20.11.2018/3P.7C