



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1889 of 2019

S.BALAN

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
KALAKAD POLICE STATION,
TIRUNELVELI DISTRICT
IN CRIME NO.28/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.T.SASIDHARAN TAMILKANI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

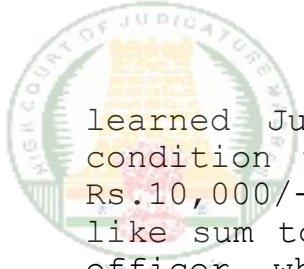
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 354A(1)(ii) and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Cr.No.28 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that when the defacto complainant was grazing her cattle in the agricultural field, the petitioner harassed the defacto complainant and abused her in filthy language.

3.The learned counsel appearing for the petitioner would submit that the petitioner is are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is pending.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. 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, Nanguneri, Tirunelveli District, on condition that the petitioners 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 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) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioner shall report before the respondent daily at 10.30 am., until further orders ;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
NANGUNERI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
KALAKAD POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to MR.S.T.SASIDHARAN TAMILKANI Advocate SR.No.2377

ORDER IN

CRL OP(MD) No.1889 of 2019

Date : 05/02/2019