



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2837 of 2019

VIJAY SAKTHI

... PETITIONER / ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AVANIAPURAM POLICE STATION,
AVANIAPURAM, MADURAI.
CRIME NO.NOT KNOWN OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ARAVIND RAJ, Advocate
for MR.M.KANNAN 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 alleged offences under Sections 323, 387 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act 2002, in Cr.No.166 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner demanded the mamool from the defacto complainant to run the petty shop in the Sunday market place. While the same was questioned by the defacto complainant and her husband, the petitioner push down her and abused her in filthy language and threatened them with weapon. Hence, the complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. When, the petitioner along with his two children went to the Sunday Market, his bike was push down by the police officials. When, the same was questioned by the petitioner, he was implicated in the foist case. However, on instructions, he further submits that the petitioner is ready to deposit a sum of Rs.2,000/- to the credit of crime number and the same may be disbursed to the defacto complainant.



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

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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.VI, Madurai, on condition that the petitioner 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 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 their identity;

(b)the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two thousand only) to the credit of crime number before the concerned Judicial Magistrate Court and the learned Judicial Magistrate shall disburse the same to the defacto complainant.

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(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 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]**; and;

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

sd/-

25/02/2019

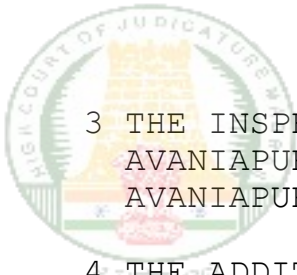
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



3 THE INSPECTOR OF POLICE,
AVANIAPURAM POLICE STATION,
AVANIAPURAM, MADURAI.

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

+1 CC to M/s.M.KANNAN, Advocate (SR-3761[I] dated 26/02/2019)

ORDER

IN

CRL OP (MD) No.2837 of 2019

Date :25/02/2019

JM/PN/SAR 2/01.03.2019/3P/6C