



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.2877 of 2019

S.JAHIR HUSSAIN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
ACHANPUTHUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.339/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.RAMANATHAN 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 offence under Sections 294(b), 324, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.339 of 2018, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the de facto complainant is the mother of the petitioner. The petitioner has went to his mother's house to get his money. At the time the de facto complainant mother has denied to give the money, due to which, the petitioner abusing the defacto complainant in filthy language and attacked with Aruval. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not dispute the relationship h.... he fault submit that he did not commit any offence as alleged by the prosecution. He would further submit that the amount earned by the petitioner, which was not repaid by the de facto complainant due to the same, there was a wordy quarrel arose between the petitioner and de facto complainant. However, on instructions, he would submit that the petitioner is ready and willing to deposit a sum of



Rs.5,000/- to the credit of Crime Number before the learned Magistrate, without prejudice to his defence and the learned Magistrate may be directed to disburse the deposited amount to the defacto complainant.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the injured person has already been discharged from the hospital.

5.Considering the facts and circumstances of the case and considering the fact that the injured person has already been discharged from the hospital, 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, Senkottai 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 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 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.5,000/- to the credit of Crime No.339 of 2018 before the learned Judicial Magistrate, Senkottai within a period of two weeks from the date of receipt of a copy of this order and the learned Judicial Magistrate shall disburse the deposited amount to the defacto complainant;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., 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 petitioners 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;

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

sd/-

25/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
SENKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
ACHANPUTHUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.B.RAMANATHAN, Advocate (SR-3714[I] dated 25/02/2019)

ORDER

IN

CRL OP (MD) No.2877 of 2019

Date :25/02/2019