



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

**CRL OP (MD) No.5663 of 2019**

P.JEYANDRAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
ETTAYAPURAM POLICE STATION,  
THOOTHUKUDI DISTRICT.  
(CRIME NO.61/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.C.HEROLD SINGH Advocate

For Respondent : MR.S.CHANDRASEKAR,  
Additional Public Prosecutor

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), 323, 354(c) and 506(ii) of IPC and Section 4 of TNPHW Act in Cr.No.61 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that when the defacto complainant went for natural call, at that time, the petitioner tried to take a photos, for which, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that due to previous enmity, there was a dispute arose between them and gave a false complaint before the respondent police.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that since the petitioner tried to take a photo, the defacto complainant gave a complaint before the respondent police. He further submitted that investigation is



pending.

5. Considering the facts and circumstances of the case and considering the allegation levelled against the petitioner, 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, Kovilpatti, 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(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 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;

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

sd/-  
16/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,  
KOVILPATTI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,  
TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE,  
ETTAYAPURAM POLICE STATION,  
THOOTHUKUDI DISTRICT.

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

+1. CC to MR.S.C.HEROLD SINGH Advocate SR.No.6873

ORDER

IN

CRL OP (MD) No.5663 of 2019

Date :16/04/2019

AE/JC/SAR-I/23.04.2019/3P/6C