



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.988 of 2019

SARATH @ IYYAPPAN

... PETITIONER/ACCUSED No.2

Vs

THE STATE OF TAMILNADU,
THE INSPECTOR OF POLICE
KALAKAD POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.22/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.C.K.M.APPAJI, 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 punishable under Sections 147, 341, 294(b), 323 and 506(ii) of IPC and section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Cr.No.22 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his family members going to Dam for taking bath and at that time the accused persons taken the photographs of the defacto complainant's family members and due to that a wordy quarrel arose and the accused attacked the defacto complainant and his brothers and threatened them with dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.side) would submit that the injured has been discharged from the hospital.



5. Taking into consideration the facts of the case and the submissions by learned counsels and that the injured has been discharged from the hospital, this Court inclined to grant anticipatory bail to the petitioner.

6. 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 on condition that the petitioner is directed to produce the Cell phone, which he was using on the date of occurrence, in which he said to have taken the photographs of the defacto complainant family members and on further 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 said Magistrate, on further condition that:

[a] if the petitioner failed 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 daily at 10.30 am and 5.30 p.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 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/-

24/01/2019

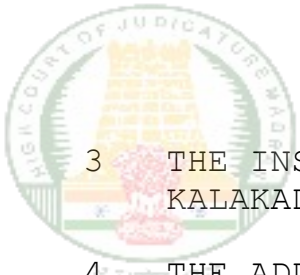
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.

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+1. CC to MR.C.K.M.APPAJI, Advocate SR.No.1261

ORDER

IN

CRL OP (MD) No.988 of 2019

Date :24/01/2019

AM

PK/VR/SAR-1/29.01.2019 : 3P/6C