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

Date : 16/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9730 of 2019

Kalikkannan

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District
(Cr.No.55/2019) .

... Respondent/Complainant

For Petitioner : M/s.G.Vishnuram,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

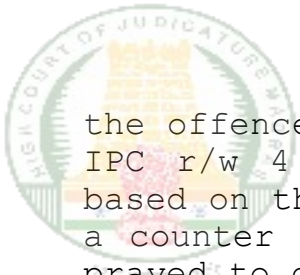
PRAYER :-

For Anticipatory bail in Cr.No.55 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 354 (B) and Section 4 of Tamil Nadu Prevention of Eve Teasing Act 1998, in Crime No.55 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that a case has been registered in Crime No.54 of 2019 for



the offence punishable under Sections 294(b), 324, 506(ii), 427, 342 IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, based on the complaint lodged by the petitioner's sister and only as a counter blast, the present FIR has been registered and hence, he prayed to grant anticipatory bail to the petitioner.

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3.Per contra the learned Government Advocate (Criminal Side) for the respondent submitted that the petitioner herein abused the defacto complainant with filthy language and teased her whenever she is returning from school. If the petitioner is granted bail, he will do the same acts and create troubles to the defacto complainant and therefore, she opposed this petition.

4.A combined reading of both the FIRs (Crime Nos.54 and 55 of 2019) show that the petitioner has indulged in eve teasing. However, taking into consideration of the fact that already the defacto complainant's party assaulted the petitioner and also damaged his house, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.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, Kamuthi, Ramanathapuram District 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)the petitioner shall stay at Vellore District and report before the Vellore Town Police Station daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(ii) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv)the petitioner shall not abscond either during investigation or trial.

(v)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 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].



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

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

TO

- 1 THE JUDICIAL MAGISTRATE, KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE, PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT
- 4 THE INSPECTOR OF POLICE, TOWN POLICE STATION,
VELLORE DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.VISHNURAM Advocate SR.No.11904

ORDER
IN
CRL OP(MD) No.9730 of 2019
Date :16/07/2019

das
JMN/JC/SAR-2/24.07.2019/3P-7C