



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

Date : 22/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11629 of 2019

N.Murugan

... Petitioner/Sole Accused

Vs

The State through,
The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.
(In Crime No.319 of 2019).

... Respondent/Complainant

For Petitioner : M/s. S. Alagusundar,
Advocate.

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

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

PRAYER :-

for Anticipatory bail in Crime No.319 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), 354 of IPC and Section 4 of Tamilnadu Prohibition of Harassment
of Women Act, in Crime No.319 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that even as per the FIR, on 30.07.2019 at about 09.30
a.m, the defacto complainant called the petitioner over phone to do

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some work in the municipal quarters, the petitioner abused her and the defacto complainant said that she will go to police station and aggrieved by the same, the petitioner pulled her into her house and pushed her. He further submitted that since the petitioner and the defacto complainant are working in the same municipality, they are having some previous enmity. Based on the previous enmity, a false case has been foisted against this petitioner, and therefore, he prayed anticipatory bail to the petitioner.

4.The Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner and the defacto complainant are working in the same municipality. She further submitted that duo to previous enmity, the petitioner has abused the defacto complainant and criminally intimidated her and hence, she opposed this petition.

5.The main allegation against the petitioner is that when the defacto complainant called the petitioner to do some work in the municipal quarters, the petitioner abused her and for that the defacto complainant said that she will go to police station and aggrieved by the same, the petitioner pulled her into her house and pushed her and apart from the said allegation no other allegation has been made against him.

6.Taking into consideration of the aforesaid fact and also the submission made by the learned counsel for the petitioner that since the petitioner and the defacto complainant are working in the same municipality, they are having some previous enmity, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Periyakulam, Theni 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) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.



(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.

sd/-
22/08/2019

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

TO

1. The Judicial Magistrate,
Periyakulam, Theni District.
 2. Do-Through The Chief Judicial Magistrate,
Theni District.
 3. The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.
(In Crime No.319 of 2019).
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S. S. ALAGUSUNDAR Advocate SR.No.13953

ORDER
IN
CRL OP(MD) No.11629 of 2019
Date :22/08/2019

AM/PN/SAR-1/27.08.2019/3P-6C

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