



WEB COPY

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

Date : 24/06/2020

PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6565 of 2020

C.Selvan, ... Petitioner/ Sole Accused

Vs

State rep.by its
The Inspector of Police,
Kollamcode Police Station,
Kanyakumari District.
Crime No.652/2020.

... Respondent/Complainant

For Petitioner : Mr.M.R.Sreenivasan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.652 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 506(i) of IPC., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.652 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that since the petitioner has played Carom Board in front of the house of the defacto complainant, there is a misunderstanding arose between the petitioner and the



defacto complainant. Thereby, the petitioner abused the defacto complainant with filthy language and assaulted her. Hence, a complaint.

4.The learned counsel for the petitioner submitted that due to previous enmity, the case has been registered. He further submitted that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent and he has been falsely implicated in the above said case. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice his rights, the petitioner is ready to pay a sum of Rs.5,000/- (Rupees Five Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Government Hospital, Kanyakumari', for the purpose of providing facilities to the Health workers.

5.The learned Additional Public Prosecutor submitted that there is no previous case pending against the petitioner.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions:-

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, and on his executing 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 learned Magistrate concerned;

(ii)The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Government Hospital, Kanyakumari', on or before 07.07.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

(iii)The petitioner shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(iv)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]***; and;



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

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
24/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilised for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI, KANYAKUMARI DISTRICT.
2. DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
KOLLAMCODE POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE DEAN, GOVERNMENT HOSPITAL, KANYAKUMARI

ORDER
IN
CRL OP(MD) No.6565 of 2020
Date :24/06/2020

CP
AE/PN/SAR-II (26.06.2020) 3P 6C

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