



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7156 of 2020

Balamurugan ... Petitioner/ Sole Accused

Vs

State rep by
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District
(Crime No. 112 of 2020) ... Respondent/Complainant

For Petitioner : M/s.S.Poornachandran,
Advocate.
For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 112 of 2020 on the file of the respondent police.

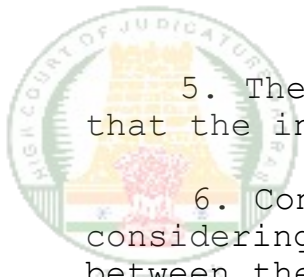
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 448, 294(b), 354, 506(ii) of I.P.C., in Crime No.112 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that at 01.30 a.m. on 26.05.2020 the petitioner has entered into the house of the defacto complainant and tried to outraged her modesty.

4. The learned counsel appearing for the petitioner would submit that there is a civil dispute is pending between the parties. He would further submit that the occurrence said to have taken place on 26.05.2020 and the alleged complaint has filed only on 29.05.2020 after three days of the occurrence which shows that the petitioner has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



5. The learned Government Advocate (criminal side) would submit that the investigation has almost over.

6. Considering the facts and circumstances of the case and also considering the fact that there is a civil dispute is pending between the parties, I am 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 before the Judicial Magistrate, Aruppukkottai, and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police on every Monday at 10.30 a.m without fail until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16.07.2020

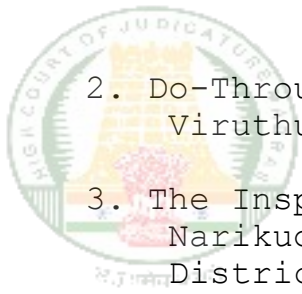
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KSA

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized 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



2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.

3. The Inspector of Police,
Narikudi Police Station, Virudhunagar
District (Crime No. 112 of 2020).

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7156 of 2020

Date : 16/07/2020

VB SKN SAR 3 (17.07.2020) 3P 5C