



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8180 of 2020

Rengasamy

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
Cr.No. 179 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

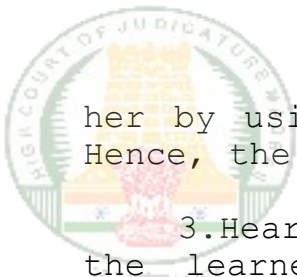
PRAYER :-

For Anticipatory Bail in Cr.No.179 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the Sole Accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 509 and 506(ii) of IPC r/w Section 4 of Women Harassment Act, in Crime No.179 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.06.2020, at morning, the petitioner in inebriate mood, went to the defacto complainant's house and abused the defacto complainant by using filthy language. Thereafter, at 09.00 p.m., the petitioner once again went to the defacto complainant's house with sickle and abused



her by using filthy language and also criminally intimidated her. Hence, the present complaint.

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

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to wordy quarrel between the petitioner and the defacto complainant's husband, 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 (Crl. Side), appearing for the respondent Police submitted that the petitioner is in inebriate mood and went to the defacto complainant's house with sickle and abused the defacto complainant by using filthy language and also criminally intimidated her. Hence, the crime has been registered against the petitioner.

6. Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that the petitioner said to have abused the defacto complainant by using filthy language and also criminally intimidated her and the occurrence said to have taken place on 27.06.2020 and the crime has been registered only on 04.07.2020, considering the above circumstances, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eluppur, Pudukkottai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner shall not tamper with evidence or witness service court in his 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]; and;

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

sd/-

05/08/2020

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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 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

1. THE JUDICIAL MAGISTRATE,
ELUPPUR, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8180 of 2020

Date : 05/08/2020

VSG

TE/VR/SAR-III : 07/08/2020 : 3P/5C

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