



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 04/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.9352 of 2020

PL.KAILASH

... PETITIONER/SOLE ACCUSED

VS

STATE REP.BY

THE SUB INSPECTOR OF POLICE,  
DEVAKOTTAI TOWN POLICE STATION,  
SIVAGANGAI DISTRICT.  
CRIME.NO.284 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.J.Anandkumar,  
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.284 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offence punishable under sections 294(b), 448, 355, 323 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.284 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the tenant under the petitioner's father. The defacto complainant gave a sum of Rs.5,500/- as advance. In order to vacate the rental house, the defacto complainant sought to return her advance amount but the said amount was not returned by the petitioner's family members. On the other hand, the petitioner



herein forced the defacto complainant to evict from the premises and thereby trespassed into the rental premises. When questioned, the petitioner herein used criminal force on the defacto complainant and threatened with dire consequences. Hence, the 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 and he did not commit any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to civil dispute, the occurrence said to have taken place.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is a civil dispute between the parties and also there was only a wordy quarrel between them, 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, 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 as and when required for interrogation;

(c) 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;

(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



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

sd/-  
04/09/2020

WEB COPY

/ 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 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,  
DEVAKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI.
- 3 THE SUB INSPECTOR OF POLICE,  
DEVAKOTTAI TOWN POLICE STATION,  
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.9352 of 2020  
Date :04/09/2020

vsd  
JM/AKM/SAR IV/09.09.2020/3P/5C