



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP (MD) . No.10026 of 2020

G.Manthiramuthu

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.
Cr.No. 244 of 2020.

... Respondent/Complainant

For Petitioner : M/s.J.Jeyakumaran,
Advocate.

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

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

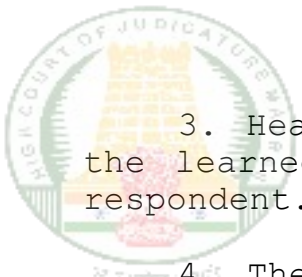
PRAYER :-

For Anticipatory Bail in Cr.No.244 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506(ii) of I.P.C. and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.244 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a sole accused. Dispute is pending between the petitioner and the defacto complainant regarding selling of a property. The petitioner is acted as broker demanding brokerage fees. Due to the previous enmity, the petitioner went to the house of the defacto complainant and abused her by using filthy language and assaulted her with wooden log and also made life threat with dire consequence, Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. He further submitted that the petitioner has demanded brokerage fees from the defacto complainant, now with the help of police the petitioner has been falsely implicated in this case. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioner said to have criminally intimidated the defacto complainant and also assaulted her with wooden log. He further submitted that there are six previous cases are pending against the petitioner.

6. Considering the rival submissions, since dispute between the parties regarding the selling of properties where the petitioner said to have claimed brokerage fees, in the occurrence taken place a wordy quarrel arouse between the parties and considering the fact that all pending previous cases against the petitioner are under Section 110 of I.P.C., 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 before the learned Judicial Magistrate, Vilathikulam, and on his executing 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 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;

(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.R. Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

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sd/-
22/09/2020

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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,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10026 of 2020
Date :22/09/2020

KSA
TE/AKM/SAR-III : 25/09/2020 : 3P/5C