



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10802 of 2020

Karpagam

... Petitioner/A-3

Vs

The State Rep. by
The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.
Cr. No.1321/2020.

... Respondent/Complainant

For Petitioner : M/s.N.Jeyaram Sidharth,
Advocate.

For Respondent : Mr.K.R.Bharthi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 1321 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 506(ii) and 379 of I.P.C. and Section 4 of TNWH Act, in Crime No.1321 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons said to have went to the house of the defacto complainant and abused her using filthy language and criminally intimidated and assaulted her with dire consequences. During the occurrence, the defacto complainant lost her gold chain. 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 and he has been falsely implicated in this case. He further submitted that the defacto complainant is sister of the petitioner herein and during the discussion with regard to partition of family properties a wordy quarrel arouse between the parties. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that property dispute is pending between the parties.

6.Considering the fact and circumstances of the case and also considering the fact that property dispute is pending between the parties, 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 No.IV, Madurai, 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 appear 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.K.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.

sd/-

05/10/2020

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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 NO.IV, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SUBRAMANIPURAM POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10802 of 2020
Date :05/10/2020

KSA
TE/AKM/SAR-III : 08/10/2020 : 3P/5C