



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/10/2020

PRESENT

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

CRL OP(MD). No.11316 of 2020

C.Pandian ... Petitioner/Sole Accused

Vs

The State rep. by
The Sub Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No. 1851 of 2020).

... Respondent/Complainant

For Petitioner : M/s.R.Venkatesan,
Advocate.

For Respondent : Mrs.M.AnandhaDevi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1851 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 offences punishable under sections 294(b), 323, 341 and 506(i) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, in Crime No.1851 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner abused the defacto complainant with filthy language and attacked her. Due to which, she sustained simple injuries. Hence, the present 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 not committed any offence as alleged by the prosecution. He further submitted that it is a case in counter, earlier the petitioner's wife has been attacked by the defacto complainant and her sister and hence, the defacto complainant lodged a false complaint as against the petitioner. Hence, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that it is a case in counter and the injured sustained only simple injury and she was treated as out patient.

6.Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and the injured sustained only simple injury and she was treated as out patient, hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioner is an ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1I, Usilampatti, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 his 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 his identity;

(b)the petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of two weeks and thereafter 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 *Pradeep Kumar P. v. State of Kerala* [(2005) AIR SCW 5560]; and;



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

sd/-
14/10/2020

WEB COPY

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/ /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 NO.II,
USILAMPATTI.
2. -DO- THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-6985[I] dated 14/10/2020)

ORDER
IN
CRL OP(MD) No.11316 of 2020
Date :14/10/2020

DSS
SRS/ PN/SAR-IV/ 19.10.2020/ 3P/6C