



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2020

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PRESENT

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

CRL OP(MD). No.11818 of 2020

C.K.M.Subash Pandian

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
Crime No.360 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Prem Kumar,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Criminal Side)

For Intervener : Mr.P. Mani Anandh,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.360 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 & 506(ii) of I.P.C. and Section 4 of TNPWH Act, in Crime No.360 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is father-in-law of the petitioner. Due to matrimonial dispute between the parties, the petitioner along with other accused persons said to have trespassed and assaulted the defacto complainant. Hence, the complainant.

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 HMOP petitions are pending between the parties. Hence, he seeks anticipatory bail.

5. The learned counsel appearing for the intervener has submitted that the petitioner and his family members have demanded huge dowry.

6. The learned Government Advocate (Criminal Side) appearing for the respondent police, on instructions, submitted that HMOP proceeding is pending between the parties and the injuries has been treated as outpatient.

7. Considering the fact and circumstances of the case and considering the fact that HMOP proceeding is pending between the parties and the injured was treated as outpatient, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Nilakkottai, and on his executing 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 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., without fail for a period of Four 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 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/-
28/10/2020

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

ORDER
IN
CRL OP(MD) No.11818 of 2020
Date :28/10/2020

KSA
SRS/JC/SAR-III/02.11.2020/ 3P/5C