



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/10/2020

PRESENT

WEB COPY

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

CRL OP(MD). No.11867 of 2020

Jeya Balan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
Crime No.429 of 2020

... Respondent/Complainant

For Petitioner : Mr.M.S.Jeyakarthik, Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.429 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, 427 & 506(i) of IPC and Section 4 of TNPWH Act, 2002, in Crime No.429 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are belonged to same Village. On 01.09.2020 at about 03.40 p.m., when the defacto complainant was standing outside of her house, the accused came there and he abused her using filthy language and attacked her by wooden log and also attacked one Periyadurai. 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 been falsely implicated in this case in order to political motive. Hence, he seeks anticipatory bail.



5.The learned Government Advocate (criminal side), on instructions, submitted that the petitioner quarrelled with the defacto complainant and one Periyadurai in drunken mood.

6.Considering the fact and circumstances of the case and considering the nature of offence, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 should stay at Madurai and report before the Inspector of Police, Tallakulam Police Station, 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/-
29/10/2020

/ 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.

WEB COPY

TO

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

COPY TO:

THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-7230[I] dated 02/11/2020)

ORDER
IN
CRL OP(MD) No.11867 of 2020
Date :29/10/2020

KSA
TK/VR/SAR.3/03.11.2020/3P/7C