



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2020

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PRESENT

The Hon'ble Mr. Justice ABDUL QUDDHOSE

CRL OP(MD). No.12030 of 2020

Manikandan ... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Pudur Police Station,
Thoothukudi District.
Cr.No. 99 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Prabu,
Advocate.

For Respondent : Mr.K.Karmegam,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.99 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), 353, 324 and 506(ii) of I.P.C., in Crime No.99 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.According to the petitioner, the defacto complainant gave a complaint before the respondent police against the petitioner alleging that there were matrimonial disputes between the petitioner and the defacto complainant.

3.It is the case of the defacto complainant that the petitioner abused her and threatened her with dire consequences.

4.It is the case of the petitioner that he is innocent and he has been falsely implicated in this case. According to him, due to the matrimonial dispute, a false complaint has been lodged by the defacto complainant.



5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no injury has been caused and no previous case is pending against the petitioner.

6.After giving due consideration to the aforesaid mentioned factors, 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 fifteen days from the date of receipt of a copy of this order, before the learned the Judicial Magistrate, Vilathikulam, Thoothukudi District, 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 his Aadhar card or Bank pass Book to ensure his 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;

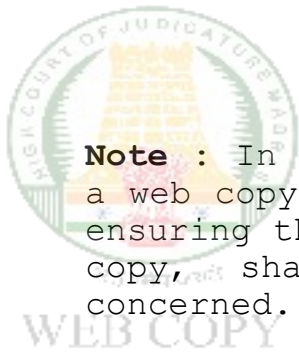
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. 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/-
22/10/2020

/ 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.

TO

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

ORDER
IN
CRL OP(MD) No.12030 of 2020
Date :22/10/2020

IAS
SRS/AKM/SAR-II/29.10.2020/ 3P/5C