



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

Date : 04/11/2020

PRESENT

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

CRL OP(MD) . No.12338 of 2020

K.Ganeshkumar

... Petitioner/Accused Rank not known

Vs

The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.

(Crime No.1155 of 2020). ... Respondent/Complainant

For Petitioner : M/s.S.Gokulraj,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.1155 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 r/w Sections 294(b), 323, 448 & 364 IPC in crime No.1155 of 2020, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that on 17.10.2020 the petitioner came to the house of the defacto complainant and broken the doors and trying to misbehave with her. He also indulged in outraged her modesty. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner never involved such kind of offences. Due to previous motive, a false complaint has been foisted as against the petitioner herein.



5.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the investigation is pending.

6.Taking into consideration the facts and circumstances of the case and considering the fact that custody interrogation of the petitioner is not necessary, 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 Judicial Magistrate No.V, Madurai on condition that the petitioner shall execute 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 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 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., 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/11/2020

/ 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 NO.V, MADURAI
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
 - 3.THE INSPECTOR OF POLICE,
M.CHATRAPATTI POLICE STATION,
MADURAI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.S.GOKULRAJ Advocate SR.No.7346

ORDER
IN
CRL OP(MD) No.12338 of 2020
Date :04/11/2020

GNS
PK/AKM/SAR-II/18.11.2020 : 3P/6C