



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

Date : 23/11/2020

PRESENT

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

CRL OP(MD). No.13253 of 2020

S.George ... Petitioner/sole accused

Vs

State Rep. by
The Inspector of Police,
Eraniel Police Station,
Kanniyakumari District
Crime No.736/2020.

... Respondent/Complainant

For Petitioner : M/s.A.Sivasubramanian,
Advocate.

For Respondent : Mr.R. Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime no.736 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under section 341 of I.P.C. and Section 4(1) of Tamil Nadu Prohibition of Women Harassment Act, 1988, in Crime No.736 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner said to have illegally harassed the defacto complainant. 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
<https://hcs.e-courts.gov.in/services/> one Charles gave a false complaint against the



petitioner to the respondent alleging that he had broken the lock of his house and the said complaint was closed. Again, on 10.06.2020, the said Charles and his men way laid the petitioner and took his bike along with cash and the same was reported to the respondent police by the petitioner's father the same is pending. He further submitted that the present complaint has been preferred against the petitioner by the daughter of the said Charles. He further submitted that due to previous enmity between the parties, a false case has been foisted against the petitioner. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that there is no previous case pending against the petitioner.

6.Considering the fact and circumstances of the case and considering the submission of the learned counsel appearing for the petitioner, 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 Principal District Munsif Cum Judicial Magistrate, Eraniel, 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 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 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/-
23/11/2020

WEB COPY

/ 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 PRINCIPAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, ERANIEL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13253 of 2020
Date :23/11/2020

KSA
JM/PN/SAR III/03.12.2020/3P/5C