



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2020

PRESENT

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

CRL OP(MD). No.13569 of 2020

Ramesh @ Rameshraj

... Petitioner/Accused

Vs

The State rep. by
The Inspector of Police,
Narikudi Police Station,
Thiruchuli Taluk,
Virudhunagar District.
Crime No.211 of 2020.

... Respondent/Complainant

For Petitioner : M/s.C.Suresh Kannan,
Advocate.

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

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

PRAYER :-

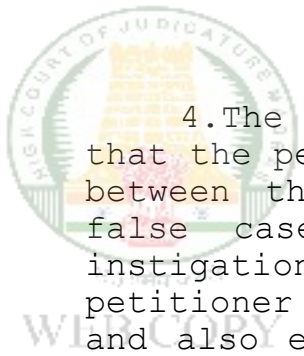
For Anticipatory Bail in Crime No.211 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 354A(2), 354D, & 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant going to attend her natural call, the petitioner was trespassed into her house and tried to rape her. Due to her alarm, the petitioner has escaped from the occurrence place. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous motive between the petitioner and the defacto complainant's husband, a false case has been foisted against the petitioner, on the instigation of the defacto complainant's husband. Infact, the petitioner as well as the defacto complainant are married persons and also each having children. Hence, he seeks anticipatory bail. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Criminal Side), on instructions, submitted that when the defacto complainant going to attend her natural call, the petitioner was trespassed into her house and tried to rape her. Due to her alarm, the petitioner has escaped from the occurrence place.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner only tried to rap the defacto complainant, 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, subject to the following conditions

(a)the petitioner shall file an undertaking affidavit that he would not indulge in such activities in future.

(b)On receipt of such affidavit, the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with **two blood relative** sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District.

[c]If the petitioner indulge in such activities in future, the respondent police is directed to proceed in accordance with law.

(d)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;

(e)the petitioner shall report before the respondent police daily **Morning at 10.30 a.m and Evening at 5.30 p.m** for a period of **six weeks** without fail until further orders.

(f)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g)the petitioner shall not abscond either during investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/11/2020

/ 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,
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
NARIKUDI POLICE STATION,
THIKRUCHULI TALUK,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13569 of 2020
Date : 27/11/2020

DSS
SRS/AKM/SAR-IV/03.12.2020/3P/5C

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