



WEB COPY

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

Date : 08/12/2020

PRESENT

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

CRL OP(MD) . No.14283 of 2020

Ramesh ... Petitioner/Accused No.1

Vs

State through
The Inspector of Police,
Nalatinputhur Police Station,
Thoothukudi District.
Crime No. 423 of 2020. ... Respondent/Complainant

For Petitioner : Mr.M.Prabu,
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.423 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b),
324 and 506(ii) of I.P.C. and Section 4 of Tamil Nadu Prohibition of
Harassment of Women Act, in Crime No.423 of 2020 on the file of the
respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the defacto complainant
married a person and due to some misunderstanding, she married
another person. Hence, the petitioner and his wife quarrelled with
her and attacked her with Aruval and threatened her with dire
consequences. Hence, the complaint



4. The learned counsel for the petitioner submitted that the petitioner is the brother of the defacto complainant. The petitioner and his wife only tried to solve the matrimonial issues of the defacto complainant.

5. The learned Government Advocate (Crl. Side) submitted that the injuries are simple in nature and the defacto complainant discharged from the hospital.

6. Considering the facts and circumstances of the case and the fact that the injured is discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/12/2020

/ 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.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2.-DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NALATINPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14283 of 2020
Date :08/12/2020

IAS
AE/SMA/SAR-II (11.12.2020) 3P / 5C