

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3597 of 2021

M.Kumar

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
(Crime No.1498 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in connection with the Cr.No.1498 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Meganathan

For Respondent : Mr.S.Karthikeyan,
APP

ORDER

(The case has been heard through video conference)

The petitioner has been charged with for the offence punishable under Sections 294(b), 506(ii), 509 of I.P.C. r/w under Section 4 of TNWH Act in Crime No.1498 of 2020 and now, he has filed this petition seeking for anticipatory bail.

2. The case of prosecution is that on the date of occurrence, the petitioner has abused the defacto complainant and other ladies and also exposed him in naked. Hence, the present complaint has been filed against the petitioner.

3. The learned counsel appearing for the petitioner submitted that there is a dispute between the parties and due to previous enmity, the present complaint has been filed. He would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner has deliberately exposed him in naked before the ladies. He would submit that now the investigation is also completed and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, and there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners, subject to the stringent conditions.

(a) Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the **learned Judicial Magistrate, Uthukuli, Tiruppur Dt.**, on condition that the petitioners shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 the period of one week;

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
UTHUKULI, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNNATHUR POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S.T.MEGANATHAN Advocate on payment of necessary charges

CRL OP.3597/2021

सत्यमेव जयते Date:24/02/2021

TA-10/03/2021

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