



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16250 of 2021

T.MATHAIYAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
YERCAUD POLICE STATION,
SALEM DISTRICT.
CR NO.NOT KNOWN OF 2021.

[RESPONDENT]

For Petitioner : M/S.K.MYILSAMY Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 506(ii) of I.P.C. in Cr.No.Not known of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have misbehaved with the defacto complainant and also threatened her life with dire consequences.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the respondent has registered case against the petitioner in Crime No.201 of 2021 and further submitted that the petitioner has filed an affidavit dated 13.09.2021 stating that he will not commit any misbehavior or indecent acts as against the defacto complainant, hence, this Court may grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Cr1. Side) submitted that investigation is pending.

5.The petitioner has filed an affidavit dated 13.09.2021 before this Court, wherein it is stated as follows:



WEB COPY

"Without prejudice my rights and contentions, I sincerely apologies for the past misbehavior acts committed by me as against defacto complainant Palaniammal. I undertake not to commit any misbehaviors or any kind of indecent acts as against her in future."

6. Recording the undertaking given by the petitioner and considering the same, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif - cum - Judicial Magistrate at Yercaud, on condition that the petitioner shall execute 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 respondent police or 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 Court concerned 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/-

17/09/2021

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.



1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, YERCAUD.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
YERCAUD POLICE STATION,
SALEM DISTRICT.

CC to M/S.K.MYILSAMY Advocate on payment of necessary charges

CRL OP.16250/2021

Date :17/09/2021

TA-24/09/2021