



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1069 of 2021

M.Kottalam @ Gopal

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Alwarthirunagari Police Station,
Tuticorin District.
In Crime No. 316/2020.

... Respondent/Complainant

For Petitioner : Mr.P.Banuprasath,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 316/2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 448, 506(ii) and 307 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.316 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner trespassed into the house of the defacto complainant and abused her in filthy language and also attacked her. Hence, the present complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner is having 12 previous cases and the earlier petition filed by the petitioner was dismissed by this Court on 08.12.2020. Hence, he opposed to grant anticipatory bail to the petitioner.

5.At this juncture, the learned counsel for the petitioner submitted that in 6 previous cases, out of 12 cases, the petitioner got acquittal and other cases are pending trial.

6.It is seen that the petitioner earlier filed anticipatory bail and the same was dismissed on 08.12.2020. However, the respondent police could not secure the petitioner and now, the petitioner came forward with this petition seeking anticipatory bail.

7.In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 Judicial Magistrate, Srivaikundam, Thoothukudi District, 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 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 appear before the respondent Police daily twice morning at 10.30 a.m., and evening at 05.30 p.m., until further orders;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/01/2021

/ TRUE COPY /

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/ /2021

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,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALWARTHIRUNAGARI POLICE STATION,
TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.P.BANU PRASATH, Advocate (SR-517[I] dated 29/01/2021)

ORDER
IN
CRL OP(MD) No.1069 of 2021
Date :27/01/2021

GNS
AE/JC/SAR-III (03/02/2021) 3P / 6C