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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.1111 of 2021

K.Prakash, ... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Kumbakkonam,
Thanjavur District.
(Crime No.2 of 2020). ... Respondent/Complainant

Swathy ... Intervenor in CRL.MP(MD).1166 of 2021

For Petitioner : M/s.Jameel Arasu.B,
Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
For Intervener : Mr.K.M.Subramanian

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

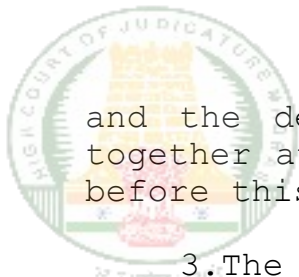
PRAYER :-

For Anticipatory bail in Crime No.2 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 498(A), 323, 506(i) I.P.C and r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.2 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.It is reported by the learned counsel for the petitioner that
<https://hcservicesupports.gov.in/hcservices/> earlier order passed by this Court, the petitioner



and the defacto complainant along with the child are now living together at Abudhabi and he had also filed an undertaking affidavit before this Court.

3.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that after completing investigation, the final report has been filed before the Judicial Magistrate concerned and the same was taken on file in C.C.No.110 of 2020.

4.Considering the facts and circumstances of the case and the fact that petitioner and the defacto complainant along with the child are living together, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/08/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



MSA

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,
Kumbakonam, Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.
3. The Inspector of Police,
All Women Police Station,
Kumbakkonam, Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.1111 of 2021
Date : 04/08/2021

TR/JM/SAR-I (19.08.2021) 3P 5C