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

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1112 of 2021

B.Eswaran ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
Crime No.77 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Mayilvahana Rajendran.C,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.77 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole Accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 448, 294(b), 323 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.77 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to intro party rivalry, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner said to have trespassed into the defacto complainant's house and caused damage to the house hold articles and abused him by using filthy language and also pushed the defacto complainant's wife. Hence, the present complaint.



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

4. 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 seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent Police submitted that due to rivalry party dispute, the occurrence said to have taken place.

6. Considering the facts and circumstances of the case and also considering the fact that due to rivalry party dispute, the occurrence said to have taken place and except damage, there is no other serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall draw a demand draft in favour of Dean, Government Rajaji Hospital, Madurai for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, 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 Additional Mahila Court (Judicial Magistrate Level), Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 report before the respondent police 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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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 JUDGE,
ADDITIONAL MAHILA COURT
(JUDICIAL MAGISTRATE LEVEL), MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN,
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

ORDER
IN
CRL OP(MD) No.1112 of 2021
Date : 01/02/2021

vsg
JM/VR/SAR III/08.02.2021/3P/6C