



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

Date : 15/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1303 of 2021

1. R.Saravanan
2. S.Deepak

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Devakottai Town Police Station,
Devakottai, Sivagangai District.
Crime No.17/2021.

... Respondent/Complainant

For Petitioners : Mr.S.Muthukumar, Advocate.
For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For an Anticipatory Bail in Crime No.17 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners herein, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent Police for the offence under Sections 448, 294(b), 354, 355, 352 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.17 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Heard both sides

3.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the defacto complainant is a widow and she is working as typist in PR registration office near Devakottai Registration Office, at that time, the first petitioner has come to the defacto complainant's office in drunken stage and abused her by using filthy language and attacked her with slipper in a public place and also questioned her morality and character. He further submitted that the defacto complainant is having two



4.The learned counsel appearing for the petitioners submitted a false allegation is made against the petitioners. The petitioners expressed their remorse for the incident which took place and further undertook that no such incidents would occur in future.

5.Considering the submission made by the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, on condition that the petitioners 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 petitioners 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 first 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; the second petitioner shall report before the respondent as and when required for interrogation

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
15/02/2021

/ TRUE COPY /

/ /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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, DEVAKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.S.MUTHUKUMAR, Advocate (SR-1037[I] dated 16/02/2021)

ORDER

IN

CRL OP(MD) No.1303 of 2021

Date :15/02/2021

Ls

MS/VR/SAR-1/19.02.2021/3P.6C