



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

Date : 01/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2435 of 2021

K.Malar

... Petitioner/Accused

Vs

State through,
The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District
Crime No.14/2021.

... Respondent/Complainant

For Petitioner : Mr.R.Sevugaraja
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.14 of 2021 on the file of the respondent Police.

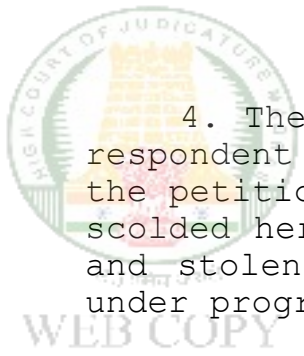
ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 323, and 379 of IPC., in Crime No.14 of 2021, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 31.01.2021 the petitioner entered into the house of the defacto complainant and scolded her by using filthy languages and attacked her with wooden log and stolen 11 sovereigns of Thali Chain.

3. The learned counsel appearing for the petitioner submits that there was a family dispute between the petitioner and the defacto complainant The petitioner has not committed any offence, as alleged by the prosecution and she is an innocent.



4. The learned Government Advocate (crl.side) appearing for the respondent Police, on instructions, would submit that on 31.01.2021 the petitioner entered into the house of the defacto complainant and scolded her by using filthy languages, attacked her with wooden log and stolen 11 sovereigns of Thali Chain and the investigation is under progress.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

6. Accordingly, 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, Thiruvadanai, Ramnad 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3. THE INSPECTOR OF POLICE,
S.P.PATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2435 of 2021
Date : 01/03/2021

MPK

PK/JC/SAR-IV/05.03.2021 : 3P/5C