



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

Date : 19/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2650 of 2021

1. P.Muthukumar
2. Gomathi Raj

... Petitioners/Accused 1 & 2

Vs

The Sub Inspector of Police,
Chokkampatti Police Station,
Tenkasi District
Crimr No.52 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.Kumar,
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.52 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 354 and 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.52 of 2021 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the first accused had intentionally touched the defacto complainant during pierce function at Kottara Street, Chokkampatti on 04.02.2021. When she questioned the same, the accused criminally intimidated her. Hence, the present complaint.



4. The learned counsel for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution.

5. The learned Government Advocate (Crl. Side) submitted that the petitioners misbehaved with the defacto complainant and it is serious crime. Hence, he prays for dismissal of the anticipatory bail petition.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Tenkasi, 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 petitioners 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.

(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/-
19/02/2021

/ 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.

TO

- 1.THE JUDICIAL MAGISTRATE,TENKASI
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
 - 3.THE SUB INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
TENKASI DISTRICT
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.S.KUMAR, Advocate SR.No.1337

ORDER
IN
CRL OP(MD) No.2650 of 2021
Date :19/02/2021

IAS
PK/VR/SAR-IV/24.02.2021 : 3P/6C