



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

Date : 17/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3223 of 2021

Chandra Sekar

... Petitioner/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
Crime No.64 of 2021

... Respondent/Complainant

For Petitioner : Mr.M.S.Jeyakarthik,
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.64/2021 on the file of the respondent Police.

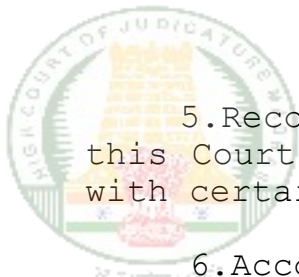
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 341, 354, 448 and 506(i) of IPC and Section 4 of Prohibition of Women Harassment Act, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the de-facto complainant, the petitioner herein in an inebriated mood, trespassed into the de-facto complainant's house and made a sexual assault. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that both are known to each other. He would further submit that the petitioner has produced the undertaking affidavit before this Court, stating that the petitioner will not involve in any such activities in future and he is also willing to help some poor and needy people.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that investigation is pending.



5. Recording the undertaking given by the petitioner's counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Sri Annapoorani Arakkattalai, Old Age Home, Ezhil Nagar, Alagapuri Main Road, 7th Cross Street, Kottaiyur-630 106, without prejudice to his rights and contentions before the trial Court. On receipt of such deposit being made, 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 learned Judicial Magistrate Court, Ilayangudi, 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 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/-
17/03/2021

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

COPY TO:

THE OFFICER INCHARGE,
SRI ANNAPOORANI ARAKKATTALAI,
OLD AGE HOME, EZHIL NAGAR,
ALAGAPURI MAIN ROAD,
7TH CROSS STREET,
KOTTAIYUR-630 106

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-2240[I] dated 18/03/2021)

ORDER

IN

CRL OP(MD) No.3223 of 2021

Date :17/03/2021

SJI

MS/PN/SAR-4/23.03.2021/3P.7C