



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

Date : 25/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4608 of 2021

Vadivu @ Sudalai Vadivu

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Kalakad Police Station,
Tirunelveli District.
Crime No.139/2021.

... Respondent/Complainant

For Petitioner : Mr.V.S.Kishok 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.139 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 447, 427, 294(b) and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998, in Crime No.139 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours and they shared common wall between their houses. The petitioner, without survey and consent of the defacto complainant, has carried out the construction work and demolished common wall to the value of Rs.25,000/-. When the same was questioned by the defacto complainant, the petitioner and her family members were said to have abused the defacto complainant by using filthy language and also threatened her with dire consequences.



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 she has not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity, the petitioner 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 previous enmity, the occurrence said to have taken place.

6. Considering the facts and circumstances of the case and also considering the fact that except threat, 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 is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Nanguneri, 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/03/2021

WEB COPY

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

+1 CC to M/s.V.S.KISHOK KUMAR, Advocate (SR-2616[I] dated 26/03/2021)

ORDER
IN
CRL OP(MD) No.4608 of 2021
Date :25/03/2021

VSG
MS/PN/30.03.2021/3P.6C