



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

Date : 26/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4649 of 2021

Vadivelu

... Petitioner/3rd Accused

Vs

The Inspector of Police,
Thaliyuthu Police Station,
Tirunelveli.
Cr.No. 73 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Iniyavan,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.73 of 2021 on the file of the Respondent Police.

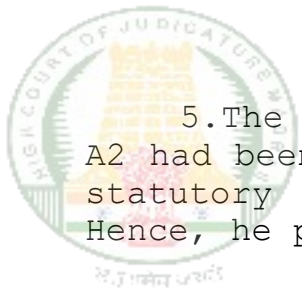
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 452, 294(b), 324 and 307 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.73 of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the defacto complainant and his relatives were talking in his uncle's house, the petitioner along with other accused trespassed into the house, abused them and assaulted the defacto complainant with aruval. Hence, the present complaint.

4.The learned counsel for the petitioner submitted that there is previous enmity between them with regard travel business. Hence, a false case has been registered against him.



5.The learned Additional Public Prosecutor submits that A1 and A2 had been detained under Act 14 of 1982 and they were released on statutory bail. The petitioner is having seven previous cases. Hence, he prays for dismissal of this petition.

6. Since some of the accused have been released on and the injured had been discharged from the hospital, I am 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, 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 daily at 10.30 a.m. until further orders.

(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;

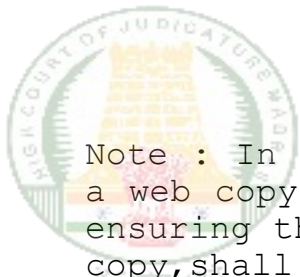
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
26/03/2021

/ 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 NO.III,
TIRUNELVELI
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
THALIYUTHU POLICE STATION, TIRUNELVELI.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.M.INIYAVAN, Advocate SR.No.2617

ORDER
IN
CRL OP(MD) No.4649 of 2021
Date :26/03/2021

IAS
PK/JC/01.04.2021 : 3P/6C