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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4792 of 2021

C.Purushoth

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
Crime No.43 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Mohan.A.,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.43 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341 and 506(ii) of IPC, and Section 4 of Tamilnadu Prevention of Women Harassment Act, in Crime No.43 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 15.02.2021, when the defacto complainant and his wife were coming nearby Asaripallam Electrical transformer, the petitioner has restrained them and grabbed the cloth of the defacto complainant's wife and criminally intimidated them and assaulted them. Hence, the present complaint.

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 he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the injured person has already been discharged from the hospital. He further submitted that the petitioner was already detained under Goondas Act and now, he is on bail.

6.Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Nagercoil, 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 stay at Tirunelveli and report before the Judicial Magistrate No.1, Tirunelveli, daily at 10.30 a.m until further orders. Further, unless his present is required, he shall not enter into Nagercoil.

(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.

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sd/-
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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 No.I, NAGERCOIL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE JUDICIAL MAGISTRATE No.I, TIRUNELVELI.
4. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
5. THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4792 of 2021
Date :29/03/2021

VSG
TE/JC : 01/04/2021 : 3P/7C