



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

Date : 08/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

WEB COPY

CRL OP(MD) . No.4925 of 2021

Muniyappan @ Muniyasamy

... Petitioner/Accused No.6

Vs

The State rep by
The Inspector of Police,
T.Kallipatti,
Madurai District.
Cr No. 54/2021.

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed.D.S.,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.54 of 2021 on the file of
the respondent Police

ORDER : The Court made the following order :-

The petitioner/A.6, apprehending arrest at the hands of the
respondent police for the alleged offences punishable under sections
147, 148, 294(b), 323, 506(i) I.P.C., and Section 4 of Tamil Nadu
Prohibition of Women Harassment Act in Crime No.54 of 2021 on the
file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioner and the learned
Government Advocate(Crl.Side) appearing for the State.

3. The case of the prosecution is that due to pathway dispute,
on 22.02.2021 at about 10.30 a.m., the accused attacked the defacto
complainant by using filthy language with criminal intimidation.
Hence, the present complaint has been registered.

4. The learned Counsel appearing for the petitioner would
submit that the petitioner is innocent and there is a pathway
dispute between the petitioner and the defacto complainant and due
to which the present false case has been foisted against him.

5. The learned Government Advocate (Crl.side) would submit that
the petitioner is A.6 and due to path way dispute, the accused



attacked the defacto complainant and it is a case in counter and the investigation is going on. He would further submit that this Court has already granted anticipatory bail to the other co-accused in this case.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif cum Judicial Magistrate, Peraiyur, within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 said Magistrate 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]**.

[f] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

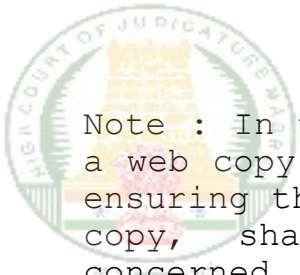
sd/-

08.04.2021

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/ /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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAIYUR
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
3. THE INSPECTOR OF POLICE,
T.KALLIPATTI, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4925 of 2021

Date : 08/04/2021

VB/SMA/SAR-I (19/04/2021) 3P / 5c