



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.4971 of 2021

E.Muthukrishnan, ... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
Parthibanoor Police Station,
Parthibanoor, Ramnad District,
(FIR No. 55/2021 U/s.294(b),323 of I.P.C &
Sec.4 of Tamilnadu Prohibition of Harassment
of Women Act 2002) ... Respondent/Complainant

For Petitioner : M/s.Madhavagovindan.N.,
Advocate.

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

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

PRAYER :-

C-33AB. For Anticipatory BaReil in Crime No.55 of 2021 on the
file of the respondent Police

ORDER : The Court made the following order :-

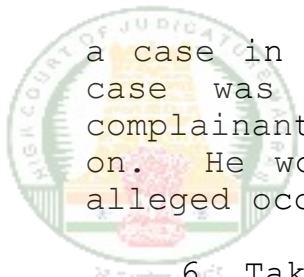
The petitioner/sole accused, apprehending arrest at the hands
of the respondent police for the alleged offences punishable under
sections 294(b),323 I.P.C., and Section 4 of Tamil Nadu Prohibition
of Women Harassment Act in Crime No.55 of 2021 on the file of the
respondent police, seeks anticipatory 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 civil dispute, on
07.03.2021 at about 12.15 p.m., the petitioner and the defacto
complainant attacked each other 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 due to civil dispute, the
present false case has been foisted against him.

5. The learned Government Advocate (Crl.side) would submit that
<https://hcservices.courts.gov.in/hcservices/>
the petitioner is the sole accused and due to civil dispute, the
petitioner and the defacto complainant attacked each other and it is



a case in counter and on the complaint given by the petitioner, a case was registered in Cr.No.54 of 2021 against the defact complainant and others, on 11.03.2021 and the investigation is going on. He would further submit that no one sustained injury in the alleged occurrence.

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 and no one sustained injury in the alleged occurrence, 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 Judicial Magistrate, Paramakudi, Ramanathapuram District, 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 daily at 10.00 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.

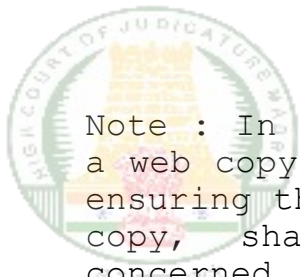
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
08/04/2021

/ 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
PARAMAKUDI
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
PARTHIBANOOR POLICE STATION, PARTHIBANOOR,
RAMNAD DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MADHAVAGOVINDAN.N. Advocate SR.No.3029
ORDER
IN
CRL OP(MD) No.4971 of 2021
Date :08/04/2021

VB/SMA/SAR4/17.04.2021 : 3P/6C