



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7370 of 2021

C.Murugan @ Thavalai Murugan ... Petitioner/Accused No.1

Vs

State Rep. by
The Sub Inspector of Police,
Perungudi Police Station,
Madurai District.
Crime No.102/2021.

... Respondent/Complainant

For Petitioner : Mr.Arumugam.C.M,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.102 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 294(b), 341, 427, 323, 324, 506(ii) of IPC and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.102 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to dispute with regard to the removal of haystack, on 31.03.2021 at about 11.30 p.m., the accused persons said to have trespassed into the house of the de-facto complainant and abused her in filthy language and also attacked the de-facto complainant and her family members with wooden log and caused injuries. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.



4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that five previous cases are pending against the petitioner and he is a rowdy element.

5.It is seen that the earlier anticipatory bail petition filed by the petitioner in Crl.O.P.(MD)No.5226 of 2021 was dismissed on 23.04.2021 on the ground that five previous cases are pending against the petitioner. Now, the learned counsel for the petitioner submitted that the accused in this case and the de-facto complainant had entered into a compromise and he has also filed a petition in Crl.O.P.(MD)No.7833 of 2021 seeking for quashing this FIR on the basis of the Joint Compromise Memo filed by the petitioner and the de-facto complainant and its also pending before this Court.

6.Taking note of the facts and circumstances of the case and the fact that the parties have entered into a compromise and a petition for quashing this FIR in Crime No.102 of 2021 is pending before this court, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Madurai District, 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 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]**;



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

sd/-
23/06/2021

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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.

TO

- 1 THE JUDGE,
ADDITIONAL MAHILA COURT,
MADURAI DISTRICT.
- 2 THE SUB INSPECTOR OF POLICE,
PERUNGUDI POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-4165[I] dated 25/06/2021)

ORDER
IN
CRL OP(MD) No.7370 of 2021
Date :23/06/2021

sj i
JM/MNR/SAR III/29.06.2021/3P/5C