



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2021

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6532 of 2021

Sheik Masthan.M

... Petitioner/1st Accused

Vs

State through
The Inspector of Police,
All Women Police Station,
Tenkasi.
Cr.No.1 of 2016.

... Respondent/Complainant

For Petitioner : M/s.M.Mohamed Sherbudeen,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1/2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 498(A) and 506(i) of IPC, seeks anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute the petitioner herein abused the defacto complainant, and also harassed her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him.

4. The learned Government Advocate(Crl.Side) would submit that already charge sheet has been filed and the same has been taken on file in C.C.No.20 of 2018, before the learned Judicial Magistrate, Sherkottai, Tenkasi District.



5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that charge sheet has already been filed and the same has been taken on file in C.C.No.20 of 2018, before the learned Judicial Magistrate, Shenkottai, Tenkasi District this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Shenkottai, Tenkasi 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 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 learned Judicial Magistrate, Shenkottai, Tenkasi District, on all hearing dates.

(c) the petitioner shall not tamper with evidence or witness during trial;

(d) the petitioner shall not abscond during 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.

7. Accordingly, this Criminal Original Petition is ordered.

sd/-
05.05.2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE, SHENKOTTAI,
TENKASI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TENKASI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.6532 of 2021
Date : 05/05/2021

VB VR SAR I(18/05/2021) 3P / 5c