



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7369 of 2021

C.Sankar

... Petitioner/Petitioner/
Sole Accused

Vs

The State Rep. by
The Sub Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.223/2021.

... Respondent/Respondent/
Complainant

For Petitioner : Mr.Prithiviraj.P.R.,
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.233/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 354 IPC and Section 92(a) of the Rights of Persons with Disabilities Act, 2016 in Crime No.223 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 01.04.2021, at about 01.00 pm., when the defacto complainant was not in home, the petitioner criminally intimidated the defacto complainant's wife and tried to have sexual intercourse with her. Again on 02.04.2021, at about 07.30 pm., the petitioner scolded the defacto complainant by



mentioning his physical handicappedness and further told him that he would break his leg. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and due to previous enmity, the present false case has been foisted against him.

4.The learned Government Advocate(Crl.side) submitted that investigation is pending.

5.The first petition dismissed on 28.04.2021. This is second anticipatory bail petition. When this matter was taken up for hearing on 09.06.2021, this Court directed the respondent police to file status report and accordingly, today status report filed. Perusal of status report shows that so far six witnesses had been examined and it appears remaining witnesses are only official witnesses. Since the dismissal of the earlier petition on 28.04.2021 the respondent police has not taken any effective steps to arrest the petitioner. There is no need to keep this case in FIR stage. If the petitioner granted anticipatory bail with a direction to co-operate with the police for enquiry, the investigation in this case can be completed and trial would proceed at the earliest time possible.

6.In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate, Vedsanthur, 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 respondent police daily at 10.30 am., 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/-
17/06/2021

/ 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, VEDASANTHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDUGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to Mr.P.R.Prithiviraj, Advocate, SR.No.19595

ORDER
IN
CRL OP(MD) No.7369 of 2021
Date :17/06/2021

GNS
TE/JC/SAR-IV : 23/06/2021 : 3P/6C