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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/05/2021

PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) No.6701 of 2021

R.Venkatesh

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Crime No.169 of 2021.

... Respondent/Complainant

For Petitioner : Mr.V.B.Sundhareshwar, Advocate

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

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

PRAYER :-

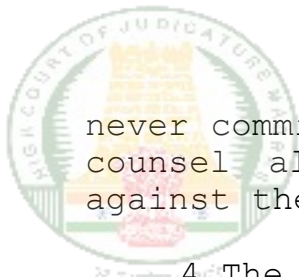
For Anticipatory Bail in Crime No.169 of 2021 on the file of the Respondent Police.

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 324, 341, 294(b) and 506(ii) of IPC in Crime No.169 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner with prior motive had assaulted the defacto complainant with wooden logs and abused her in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are husband and wife. Problem arose between them due to the defacto complainant's extra marital affairs, due to which, the defacto complainant had falsely lodged a complaint against the petitioner and the petitioner has



never committed the offence alleged by the prosecution. The learned counsel also submitted that there is no previous case pending against the petitioner.

4. The learned Government Advocate submitted that no previous case is pending against the petitioner and that the injured person is discharged from the hospital on 11.05.2021. He raised no serious objection in allowing this petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

6. It is seen from the submissions made that the injured person is discharged from the hospital on 11.05.2021. In view of the same, 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, Sivakasi, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty 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 on the first day of every month.

[c] the petitioner is directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].



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

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sd/-
12/05/2021

/ /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, SIVAKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARITAT, CHENNAI-9

+1 CC to Mr.V.B.SUNDHARESHWAR, Advocate (SR-3699[I]dated 17/05/2021)

ORDER
IN
CRL OP(MD) No.6701 of 2021
Date :12/05/2021

MBI/VRN
TE/MNR/SAR-I : 20/05/2021 : 3P/7C