



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/06/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7405 of 2021

B.Kaleeswaran

... Petitioner/Sole Accused

Vs

State Represented by
The Inspector of Police,
Appayanaickenpatti Police Station,
Virudhunagar.
Crime No.25/2021.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

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

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

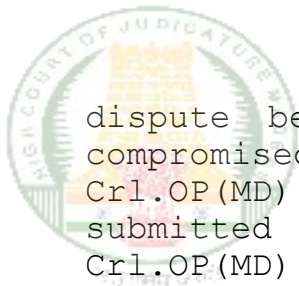
PRAYER :- For Anticipatory Bail in Crime No. 25 of 2021 on the file of the respondent Police.

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 294(b), 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.25 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner borrowed a sum of Rs.2,000/- from the defacto complainant. Since the petitioner continuously demanded money from the defacto complainant, she refused to give money to the petitioner stating that the earlier loan amount was not repaid till date. Thereafter on 06.03.2021 at about 6.45 p.m, when the defacto complainant was cleaning in front of her house, the petitioner said to have abused the defacto complainant by using filthy language and also criminally intimidated her. Hence, the present complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the



dispute between the petitioner and the defacto complainant was compromised. As a result of which a compromise quash petition in Crl.OP(MD).No.6576 of 2021 is filed and it is pending. He further submitted that the earlier anticipatory bail petition filed in Crl.OP(MD).NO.5648 of 2021 was dismissed on 20.04.2021.

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4.The learned Government Advocate(Crl.side) submitted that there are three previous cases are pending against the petitioner in Crime Nos.60 of 2019, 78 of 2020 and 51 of 2021. Hence, he opposes to grant anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent.

6.Considering the facts and circumstances of the case and the fact that there was a compromise between the parties and the quash petition in Crl.OP(MD).NO.6576 of 2021 is pending. Though this is the second anticipatory bail, in view of the compromise reached between the parties, this Court is inclined to grant anticipatory bail to the petitioner.

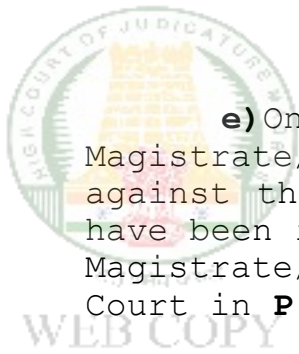
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.1, Sattur, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of 15 days, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation. On such execution of bond before the concerned Magistrate, the own bond executed before the respondent Police shall stand cancelled automatically.

(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/-

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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 NO.I,
SATTUR, VIRUDHUNAGAR DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
APPANAICKENPATTI POLICE STATION,
VIRUDHUNAGAR.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7405 of 2021

Date :08/06/2021

KMM

AE/MNR/SAR-1/11.06.2021/3P/5C