



WEB COPY

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

Date : 27/05/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6982 of 2021

Parameshwaran

... Petitioner/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
(Crime No.167/2021)

... Respondent/Complainant

For Petitioner : Mr.S.Veerapandi Selvaraj
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.167 of 2021 on the file of the Respondent Police.

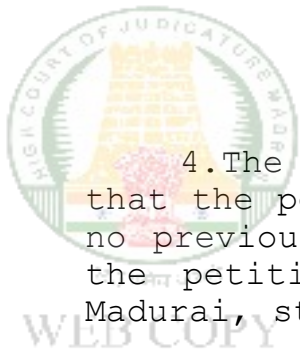
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506(ii) IPC and 4 of Women Harassment Act, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant gave a complaint before the respondent police alleging that the petitioner and the defacto complainant are neighbours and due to their previous enmity, the petitioner attacked the defacto complainant on 15.05.2021 and also used filthy languages and threatened the defacto complainant with dire consequences. Hence, this complaint.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Heard both sides.



4.The learned counsel appearing for the petitioner submitted that the petitioner is falsely implicated in this case and there is no previous case against the petitioner. He further submitted that the petitioner is a student of Madurai Kamarajar University at Madurai, studying M.Sc Chemistry.

5.The learned Additional Public Prosecutor submits that due to the previous enmity between the parties, petitioner attacked the defacto complainant on 15.05.2021. He further submits that the defacto complainant/injured was discharged from the hospital.

6.Considering the fact that there existed previous enmity between the parties and considering the fact that except 506(ii) IPC and Section 4 of Women Harassment Act, all other offences are bailable offences, and taking into consideration the submission of the learned Additional Public Prosecutor that the injured was discharged from the hospital and also considering the impact of COVID-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and not warranted in the interest of public at large. Hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.The petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate No.VI, Madurai, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty 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 concerned Judicial Magistrate and on further conditions that:

[a] 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 as and when required for interrogation.

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

[d]the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

sd/-
27/05/2021

/ 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 No.VI, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6982 of 2021
Date :27/05/2021

VRN
TE/JC/SAR-IV : 01/06/2021 : 3P/5C