



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26/05/2021

PRESENT

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The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7016 of 2021

Viswanath,

... Petitioner/Accused Rank Not Known.

Vs

The Inspector of Police,  
Sellur Police Station,  
Madurai District.,  
Cr. No. 399/2021..

... Respondent/Complainant

For Petitioner : M/s.Sugadev.T.,  
Advocate.

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

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

PRAYER :-

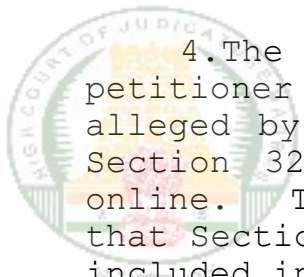
For Anticipatory Bail in Crime No.399 Of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 448, 294(b), 323, 506(ii) of I.P.C., and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.399 of 2021 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that due to pathway dispute between the family members of the defacto complainant and the petitioner, the petitioner and others accused assaulted the defacto complainant. Hence, the complaint.



4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that in the FIR, Section 323 of IPC is mentioned. FIR was not uploaded in the online. The petitioner's counsel has filed a memo today stating that Section 323 of IPC was omitted to be shown and the same may be included in the petition.

5.The submission made by the petitioner's counsel is recorded.

6.The learned Additional Public Prosecutor, on instructions, would submit that the injured was treated as out patient. He further submitted that it is a case in counter case and the case in Crime No.398 of 2021 was filed at the instance of the petitioner against the defacto complainant's husband and two others.

7.Considering the facts and circumstances of the case and considering the fact that except Section 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, all other offences are bailable in nature 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.

8.The petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate No.II, 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 likesum 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.

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26/05/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.II  
MADURAI
- 2 DO-THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.
- 3 THE INSPECTOR OF POLICE  
SELLUR POLICE STATION,  
MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI

ORDER  
IN  
CRL OP(MD) No.7016 of 2021  
Date :26/05/2021

CN:SKN:SAR4(01.06.2021)3P C5