



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

Date : 04/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.7240 of 2021

Kannan

... Petitioner/Sole Accused

Vs

State Rep.by
The Sub Inspector of Police,
North Police Station,
Rajapalayam,
Viruthunagar District.
(In Crime No.92/2021).

... Respondent/Complainant

For Petitioner : Mr.S.A.S.Alaudeen,
Advocate.

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

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

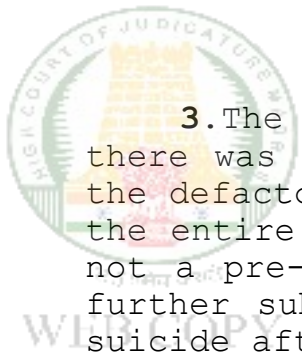
PRAYER :-

For Anticipatory Bail in Crime No.92 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 Section 294(b), 450, 307, 506(ii), 309 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.92 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had developed a relationship with the daughter of the defacto complainant. On the fateful day on 18.03.2021, the petitioner is said to have entered into the house of the defacto complainant and attacked the defacto complainant with a sickle and thereafter, the petitioner had also attempted to commit suicide by slitting his throat with the sickle carried by him.



3.The learned counsel for the petitioner would submit that there was a love affair between the petitioner and the daughter of the defacto complainant. The learned counsel further submitted that the entire incident took place in the heat of the moment and it was not a pre-planned attack. The learned counsel for the petitioner further submitted that even the petitioner had attempted to commit suicide after the alleged incident.

4.The learned Additional Public Prosecutor, vehemently opposed the grant of anticipatory bail to the petitioner. It was submitted that the petitioner had attempted to attack the defacto complainant and his daughter with a sickle and had caused injuries to the defacto complainant and thereafter, in order to escape from the consequences, had attempted to commit suicide. The learned Additional Public Prosecutor further submitted that the injured has been discharged from the hospital and two anticipatory bail petitions filed by the petitioner before the Sessions Court also came to be dismissed.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

6.Taking into consideration the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital and the petitioner had also sustained injuries, when he attempted to commit suicide and was also taking treatment in the hospital, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

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, Rajapalayam, 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 one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation 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 on every Monday and Friday at 11.00 a.m. until further orders;



[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;

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[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]**; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/06/2021

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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, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILIPUTTUR.
3. THE SUB INSPECTOR OF POLICE,
NORTH POLICE STATION,
RAJAPALAYAM, VIRUTHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7240 of 2021

Date :04/06/2021

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