



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

Date : 15/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD) . No.7765 of 2021

WEB COPY

Pon Esakki

... Petitioner/Accused No.2

Vs

The State rep by
The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.
Cr.No. 238 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulinga Bharathi
Advocate.

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

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

PRAYER :-

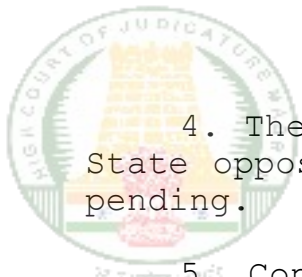
For Anticipatory Bail in Crime No.238 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehend arrest at the hands of the
respondent police for the offence punishable under Sections 147,
148, 452, 323, 324, 366 r/w 511, 506(ii) I.P.C., and Section 4 of
Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime
No.238 of 2021 on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution is that on 19.05.2021 at about
09.00 a.m., the first accused, who wanted to marry the victim Priya
- the daughter of the defacto complainant, went to the house of the
defacto complainant and tried to kidnap the defacto complainant's
daughter. When that was prevented by the defacto complainant, the
first accused attacked her with aruval and other accused had also
attacked her. Hence, the present complaint came to be registered.

3. The learned Counsel for the petitioner submitted that the
petitioner is innocent and in fact, the first accused and the
defacto complainant's daughter - Priya loved each other. The
petitioner is no way responsible for the incident. Only because of
the fact that the petitioner is the friend of the first accused, he
is falsely implicated in this case. He further submitted that A.1
and A.3 were already granted anticipatory bail by this Court in
Crl.O.P. (MD) No.7055 of 2021 and Crl.O.P. (MD) No.7078 of 2021.



4. The learned Government Advocate (Crl.Side) appearing for the State opposed this petition on the ground that the investigation is pending.

5. Considering the facts and circumstances of the case, where it is alleged that the first accused was in love with the daughter of the defacto complainant - Priya and on that score, he tried to kidnap her, the fact that A.1 and A.3 had already been granted anticipatory bail by this Court and the material part of the investigation is over by this time, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Valliyoor, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the said Magistrate 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 daily at 10.30 a.m., 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
15/06/2021

/ 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, VALLIYOOR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PANAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7765 of 2021
Date : 15/06/2021

VB JC SAR II(21/06/2021) 3P / 5c