



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

Date : 28/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8444 of 2021

M.Evangelin Geetha

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.
Crime No.54 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Kesavan,
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.54 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 147, 448, 294(b), 427, 506(ii) and 379 of IPC in Crime No.54 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a physiotherapy clinic and she is a Doctor. On 01.02.2021, she along with her husband, son and daughter went to Thulukkarpatti, to see her father-in-law, who was not well. Then, they returned to their house on the same day at about 10.00 p.m. At that time, they found that the electricity was disconnected, CCTV camera was disconnected and destructed and the hard disk was removed. With regard to another incident, a complaint was given on 20.01.2021, against the accused through online and the complaint is also pending. On 28.01.2021, at about 04.00 p.m., the accused had illegally trespassed into the house, scolded them in filthy language and damaged the office of one Advocate Sankaran. The defacto complainant has CCTV footage to prove the case against the accused.



The complaint is also pending in Crime No.38 of 2021. The value of the damage caused to the materials in this case is Rs.35,000/-. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there are criminal cases and civil litigations pending between the petitioners and the defacto complainant.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that the investigation is not completed.

5.Considering the nature of the case and the facts and circumstances of this case, there being no eye witnesses, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

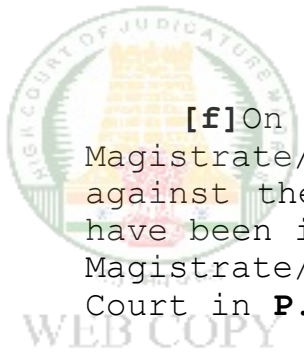
[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b]the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.54 of 2021 before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

[c]the petitioner shall report before respondent police daily, at 10.30 am., until further orders;

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e]the petitioner shall not abscond either during investigation or trial;



[f] 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]**.

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

7. The Trial Court is directed to pass appropriate orders at the conclusion of trial including disbursal of this amount to the victim under the provisions of victim compensation.

sd/-
28/06/2021

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

ORDER
IN
CRL OP(MD) No.8444 of 2021
Date : 28/06/2021

SM
MS/PN/SAR-3/01.07.2021/3P.5C