



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

Date : 30/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8575 of 2021

S.Lenis ... Petitioner/Accused
Rank Not Known

Vs

State Rep. by
The Inspector of Police,
Koodankulam Police Station,
Cr No. 239/2021,
Tirunelveli District. ... Respondent/Complainant

For Petitioner : Mr.Susi Kumar.C.,
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.239 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 147, 294(b), 323 and 506(i) of I.P.C. And Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.239 of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 16.06.2021 at about 04.30 pm., when the defacto complainant was standing in front of her house for feeding her dog, Joesph called the dog as Alina. Mary, Suriya and Mesipha had also ridiculed her stating that they would break the leg of the dog. When the defacto complainant's mother-in-law namely., Rubi asked her why they are ridiculing, they scolded her in filthy language. Thereafter, at about 06.30 pm., on the same day, Al picked up quarrel with her uncle and her mother-in-law and scolded him in filthy language and attacked the defacto complainant



and the family members of the accused also joined together and had beaten the defacto complainant indiscriminately and the defacto complainant's mother-in-law. Therefore, the present case came to be registered.

4.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

5.The learned Government Advocate (Crl. Side) opposed this petition on the ground that investigation is not completed. He further submitted that the petitioner is having one previous case similar in nature and the injured is discharged from the hospital.

6.Considering the dispute between two families and the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Radhapuram, 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 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/06/2021

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

ORDER
IN
CRL OP(MD) No.8575 of 2021
Date :30/06/2021

ias
JM/VR/SAR V/02.07.2021/3P/5C