



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.8766 of 2021

R.Sabarinathan @ Sabari

... Petitioner/Sole Accused

Vs

State Rep.by,
The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
(Crime No.27 of 2021)

... Respondent/Complainant

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

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

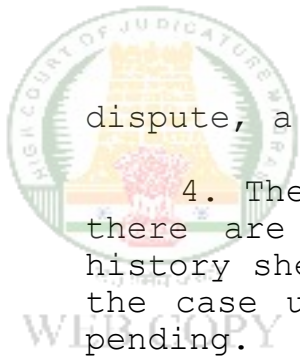
PRAYER :-For Anticipatory Bail in Crime No. 27 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC and Section 4 of TNPHW Act, in Crime No.27 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 08.02.2021 when the daughter of the defacto complainant was alone in the house, the petitioner herein said to have knocked the door of the house, since she did not open the door, he poured water into the house and left the place. Subsequently when the defacto complainant asked the petitioner about the incident, he abused her in filthy language, assaulted her and also criminally intimidated her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the present application is the second application and that since the petitioner and the defacto complainant are having some civil



dispute, a false case has been foisted against the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that there are five previous cases pending against him and he is a history sheeted rowdy in H.S. No.01/2019. He would admit that except the case under Section 307 IPC, all other cases, investigation is pending.

5.It is pertinent to note that the petitioner is on bail in all five cases referred by the learned Government Advocate (Criminal Side).

6.Considering the facts and circumstances of the case and also the fact that the offence except Section 506(ii) IPC and Section 4 of TNPHW Act, all other offences are bailable in nature and that the incident was occurred as early as on 08.02.2021, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned The Judicial Magistrate, Muthukulathur, Ramanathapuram District, and 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 respondent Police or to 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.

(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]; and;

(g)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/07/2021

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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,
Muthukulathur,
Ramanathapuram District..

2.Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.

3.The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/S.T.VEERAKUMAR, Advocate (SR-4971[I] dated 30/07/2021)

ORDER

IN

CRL OP(MD) No.8766 of 2021

Date :30/07/2021

DAS

RT/SKN/SAR-I/04.08.2021/3P/6C