



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

Date : 07/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8929 of 2021

Manokaran ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime.No.405 of 2021)

... Respondent/Complainant

For Petitioner : Mr.C.T.Perumal,
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.405 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 294(b), 341 & 506(i) IPC and Section 4 TNPHW Act in Crime No.405 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 19.06.2021, at about 02.15 pm., the defacto complainant went to the shop of the petitioner and asked him about the price of the pineapple. He told the price is Rs.80 and the defacto complainant told him that the price is very high. Therefore, the petitioner scolded her in filthy language and threatened that if she refused to buy pineapple, he would remove her dress and thereafter, he removed his lungi and showed his private part. Therefore, the defacto complainant suffered great insult and this case came to be registered on the basis of the complaint given by her.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. It is also his submission that after the alleged



incident, the husband of the defacto complainant had beaten the petitioner with wooden-log and he suffered fracture in his left hand. In support of his submission, he produced FIR in crime No.406 of 2021, which was registered on the basis of the complaint given by the petitioner.

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

5.The allegations made in the present FIR in Cr.No.405 of 2021 and the counter FIR in Cr.No.406 of 2021 show that during first incident this petitioner said to have been misbehaved with the defacto complainant. Due to the same, the husband of the defacto complainant had beaten this petitioner with palm tree's branch and caused fracture on his left hand. Taking into consideration all these factors and also the fact that except 506(i) IPC and Section 4 TNPHW Act, other offences are bailable in nature, 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, 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 respondent police daily at 10.30 am., 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/-
07/07/2021

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

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-4387[I] dated 07/07/2021)

ORDER
IN
CRL OP(MD) No.8929 of 2021
Date :07/07/2021

GNS
MS/MNR/SAR-1/12.07.2021/3P.6C