



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

Date : 13.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.9087 of 2021

WEB COPY

Arul Prakash

... Petitioner/Accused Rank Not Known

Vs

The State rep. By
The Inspector of Police,
Town Police Station,
Pudukottai,
Pudukottai District.

(Crime No.Not Known of 2021) Respondent/Complainant

For Petitioner : Mr.V.Malayiyendran

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

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

PRAYER :-

For Anticipatory Bail in Crime No.Not Known 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), 323 and 506(ii) IPC in Crime No.Not Known of 2021, seeks anticipatory bail.

2.At the time of filing this petition, an enquiry was pending and no case has been registered. On 25.07.2021, a case was registered as against the petitioner in Cr.No.1159 of 2021 for the offence punishable under Sections 294(b), 323, 506(i) & 420 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.



3. According to the case of the prosecution, the petitioner received a sum of Rs.3,25,000/- from the defacto complainant for establishing bakery. However, the petitioner has not established the same and has spent the money lavishly. When, the defacto complainant questioned the act of the petitioner, the petitioner abused the defacto complainant in filthy language and threatened him with dire consequences.

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

5. The learned Government Advocate (Crl. side) appearing for the respondent police submitted that there was some money transaction between the petitioner and the defacto complainant and due to the same, the petitioner abused and threatened the defacto complainant. He further submitted that the investigation is yet to be completed.

6. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner in Cr.No.1159 of 2021.

7. Accordingly, this criminal original petition is allowed and 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, Pudukottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand

and two sureties each for a like sum to the satisfaction of the court.)



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 Aadhaar 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 the 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/-
13/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

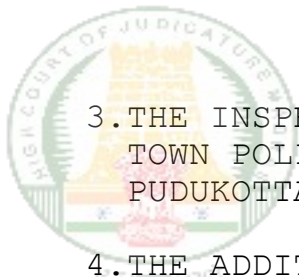
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE JUDICIAL MAGISTRATE, PUDUKOTTAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



3.THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
PUDUKOTTAI, PUDUKOTTAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.9087 of 2021
Date :13/08/2021

GC/VR/SAR-3/19/08/2021/4P/5C