



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 16/07/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9477 of 2021

K.Sivapandian

... Petitioner/Accused No.6

Vs

The State Rep. by,
The Inspector of Police,
Uthappanaickanur Police Station,
Usilampatti Taluk,
Madurai District.
(Crime No.1041/2020).

... Respondent/Complainant

For Petitioner : Mr.P.Jessi Jeeva Priya,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PRAYER :-

For Anticipatory Bail in Crime No.1041/2020 on the file of the Respondent Police to enlarge the Petitioner/Accused No.6 on bail in the event of their arrest in Crime No.1041 of 2020 on the file of 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, 294(a), 323, 324 and 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.1041 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that there was previous enmity between the defacto complainant and the accused with regard to the land. On 03.08.2020, at about 6.30 a.m., Vimithra, who is the daughter of Udhayakumar had gone to wash her dirty clothes in a common water pipe in that area. At that time, she was told by the defacto complainant not to wash dirty clothes in the common place. Therefore, the father of Vimithra namely Udhayakumar came there with



stick and hit the defacto complainant and her son, scolded them in filthy language. Udhayakumar's wife namely Sumathi had caught the hair of the defacto complainant and hit her with stone. They made criminal intimidation and left from that place. Therefore, the case came to be registered.

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3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he seeks anticipatory bail.

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

5. The petitioner is the sixth accused in this case and his name is not found in the First Information Report and he is aged about 18 years. Taking into consideration the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital and the fact that the petitioner is a college student, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 No.II, Usilampatti, Madurai 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 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 as and when required for interrogation.

[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.

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sd/-
16/07/2021

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
UTHAPPANAICKANUR POLICE STATION,
USILAMPATTI TALUK,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M/S.P.JESSI JEEVA PRIYA, Advocate
(SR-4691[I] dated 19/07/2021)

ORDER
IN
CRL OP(MD) No.9477 of 2021
Date :16/07/2021

SSB
SA/VR/SAR-III : 20/07/2021 : 3P/6C