



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

Date : 05/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.9703 of 2021

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Stalin,
S/o.Baskaran

... Petitioner/Sole Accused
Vs

State rep. by
The Sub Inspector of Police,
Melavalavu Police Station,
Madurai District.
Crime No.111/2021.

... Respondent/Complainant

For Petitioner : M/s.Ganapathi Subramanian.P,
Advocate.

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.111/2021 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
448, 294(b), 323 and 506(ii) IPC and Section 4 of the Tamil Nadu
Prohibition of Harassment of Women Act, 2002, in Crime No.111 of
2021, seeks anticipatory bail.

2.The case of the prosecution is that due to money dispute, on
14.06.2021, the petitioner trespassed into the house of the defacto
complainant, abused her and threatened her with dire consequences.
Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case. He further submitted that the defacto complainant
borrowed money from the petitioner's mother and failed to repay the
same. When the petitioner's mother asked the money, she attacked her
and a case was also registered as against the defacto complainant in
Cr.No.110 of 2021 for the offence under Sections, 147, 294(b), 323,
427, 355 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition
of Harassment of Women Act, 2002.

4.The learned Government Advocate(Crl.side) appearing for the
respondent submitted that due to money dispute, a case and counter case came



to be registered and investigation in both cases is pending.

5. Considering the facts and circumstances of the case and also the fact that major offence is only under Section 506(ii) IPC, this Court is inclined to grant anticipatory bail to the petitioner.

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6. 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, Melur, 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 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 as and when required.

[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/-
05/08/2021

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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.

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



TO

1.The Judicial Magistrate, Melur.

2.Do-Through The Chief Judicial Magistrate, Madurai.

3.The Sub Inspector of Police,
Melavalavu Police Station,
Madurai District.

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

ORDER
IN
CRL OP (MD)No.9703 of 2021

Date : 05/08/2021

CN(18.08.2021) 3P 5C