



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

Date : 09.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10113 of 2021

Muthu Kumar

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Kalakad Police Station,
Tirunelveli District.
(Crime No.314 of 2021)

... Respondent/Complainant

For Petitioner : Mr.V.S.KISHOK KUMAR, Advocate

For Respondent : Mr.T.SENTHILKUMAR
Government Advocate(Crl. side)

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

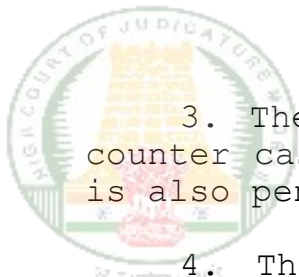
PRAYER :-

For Anticipatory Bail in Crime no.314 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), 324, 506(2) and 379 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.314 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that there is land dispute between the defacto complainant and petitioner's family. On 18.07.2021, the petitioner's son broke a kadappa stone and the same was questioned by the defacto complainant's wife. Due to which, the petitioner's son abused the defacto complainant's wife and children and assaulted the defacto complainant. Thereafter, petitioner and his wife assaulted the defacto complainant and his wife. Hence, the complaint.



3. The learned counsel for the petitioner submits there is a counter case registered in Crime No.315 of 2021 and a civil dispute is also pending between the parties.

4. The learned Government Advocate (Criminal Side), opposed this petition on the ground that investigation is yet to be completed.

5. Considering the fact that this is case in counter and that major offences are under Sections 324 and 506(2) of IPC and that civil dispute is also pending between the parties, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed.

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 Judicial Magistrate Court, Nanguneri on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the 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 Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police as and when required, 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.

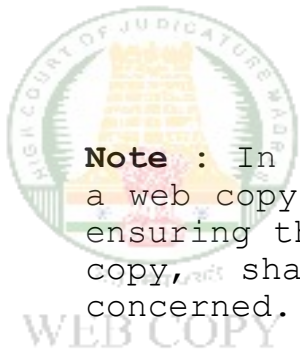
sd/-

09/08/2021

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

+1. CC to Mr.V.S.KISHOK KUMAR, Advocate SR.No.5244

ORDER

IN

CRL OP(MD) No.10113 of 2021

Date :09/08/2021

SA/VR/SAR.2/18.08.2021/3P/6C