



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

Date : 06/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.10287 of 2021

WEB COPY

Thiruselvam,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
Cr.No.103 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Kameswaran
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.103 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, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition
of Harassment of Women Act in Crime No.103 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that due to previous motive,
on 11.07.2021, the petitioner abused, attacked and also threatened
the defacto complainant and his wife 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 petitioner also
preferred a complaint as against the defacto complainant and a case
was registered in Cr.No.104 of 2021 for the offence under Sections
294(b), 323, 506(i) IPC.

4.The learned Government Advocate(Crl.side) appearing for the
respondent police submitted that due to previous motive, the



petitioner and the defacto complainant abused and attacked each other, for which a case and counter case were registered. He further submitted that the injured person has been discharged from the hospital.

5.Considering the nature of allegation levelled against the petitioner and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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, Thiruppathur, Sivagangai 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 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/-
06/08/2021

/ TRUE COPY /

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

GNS



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,
Thiruppathur,
Sivagangai District.
- 2.Do Through
The Chief Judicial Magistrate,
Sivagangai.
- 3.The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.10287 of 2021
Date : 06/08/2021

TR/PN/SAR-III (19.08.2021) 3P 5C