



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL.OP(MD). No.11984 of 2021

S.Nivas

... Petitioner/Accused No.1

Vs

State Represented by
The Inspector of Police,
All Women Police Station, Palani,
Dindigul District.
Crime No.11 of 2021.

... Respondent/Complainant

For Petitioner : Mr.P.Balamurugan, Advocate.
For respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

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

PRAYER :-For Anticipatory Bail in Crime No.11 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 offences punishable under Sections 498-A, 294(b) and 506(i) of IPC seeks anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute, the petitioner harassed the defacto complainant, abused her in a filthy language and also threatened her with dire consequences. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and a false case has been foisted against him. He would further submit that co-accused were already granted anticipatory bail by this Court in Crl.O.P(MD).No.6383 of 2021, vide order dated 05.05.2021.

4. The learned Government Advocate (Crl. Side) would submit that the case of the respondent is pending.

<https://hcs.judges.org.in/hcs/judges>



5. Considering the facts and circumstances of the case and also considering the fact that co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

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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, Palani, 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 to 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 his photograph 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 on every Sunday at 10.30 a.m. until further orders.

(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 petitioners 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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



TO

1 THE JUDICIAL MAGISTRATE,
PALANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PALANI, DINDIGUL DISTRICT.

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

+1 CC to MR.K.SASINDRAN, Advocate (SR-5972[I] dated 03/09/2021)

ORDER
IN
CRL OP(MD) No.11984 of 2021
Date :01/09/2021

TRP
MK/VR/SAR.IV/06.09.2021/3P/6C