



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

Date : 03/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.12600 of 2021

Sankar,

... Petitioner/Accused

Vs

The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Cr.No. 339 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Prakash.K,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No. 339 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

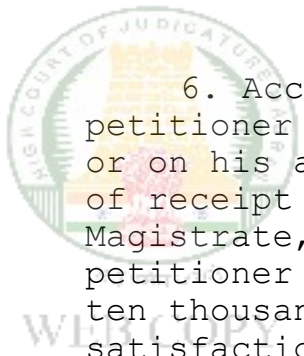
The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 448, 323, 324, 506(ii) and 109 IPC r/w. 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.339 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused trespassed into the house of the defacto complainant and attacked her husband with knife and caused injuries.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) for the respondent, on instructions, submitted that the petitioner is having two previous case of sand theft.

5. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with stringent condition.



6. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed 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, Kadaladi, Ramanathapuram 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 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 daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/09/2021

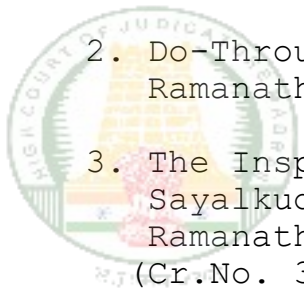
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/ /2021
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 learned Judicial Magistrate,
<https://hcservices.ecourts.gov.in/hcservices/>
Kadaladi, Ramanathapuram District.



2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.

3. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Cr.No. 339 of 2021).

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

+1 CC to M/s.K.PRAKASH, Advocate (SR-6046[I] dated 07/09/2021)

CRL OP(MD) No.12600 of 2021
Date :03/09/2021

SB/SVN/SAR-I(08.09.2021) 3P 6C