



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

Date : 07/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12329 of 2021

WEB COPY

M.Mahalingam

... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
(Crime No.671 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Vikram.S,
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.671 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands
of the respondent Police, for the offence punishable under Sections
294(b), 323 and 506(ii) IPC in Crime No.671 of 2021, seeks
anticipatory bail.

2. The case of the prosecution is that the petitioner is the
husband of the defacto complainant's sister. The petitioner is
having illegal affair with another woman. When the same was
questioned by the defacto complainant, the petitioner assaulted the
defacto complainant.

3. The learned counsel for the petitioner submits that the
petitioner is an innocent and he has not committed any offence as
alleged by the prosecution. He further submits that due to
misunderstanding, this false complaint has been lodged and it is a
case and counter case.

4. The learned Government Advocate (Crl. Side) opposed for
grant of bail on the ground that apart from this case, the
petitioner is also involved in another case in Cr.No.180 of 2016 for
the offence under Sections 147, 148 and 302 IPC.



5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that it is a case and counter case, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the Criminal Original Petition is ordered. 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, Nilakottai, Dindigul District, on condition that he 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 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 file an undertaking affidavit before the respondent Police as well as before the concerned Magistrate that he will not create any problem with the defacto complainant.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
07/09/2021

/ TRUE COPY /

/ /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.

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TO

1. THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.12329 of 2021

Date : 07/09/2021

VB/JC/SAR.III/17.09.2021/3P/5C