



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15.09.2021
PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12864 of 2021

Muralidharan

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
(Crime No.231/2021).

... Respondent/Complainant

For Petitioner : Mr.S.BALAMURUGAN, Advocate
for Mr.A.ARUN PRASAD, 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 Crime No.231 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 448, 353, 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Woman Harassment Act, in Crime No.231 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the defacto complainant was discharging his duty, the petitioner along with other accused said to have trespassed into office and deterred him from discharging his duty, due to which there was a wordy quarrel between the petitioner and the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is running a driving school for the past 23 years. The petitioner has submitted application for change of address in vehicle's R.C. Book along with original R.C.Book before the RTO Thirumangalam on 22.03.2021. After a month, when the petitioner asked the defacto complainant to return the documents, the defacto complainant scolded the petitioner with filthy language and has foisted the false complaint against the petitioner.



4.The learned Government Advocate (Crl. Side) would submit that investigation is yet to be completed.

5.The petitioner has filed a typed set of papers along with the complaint lodged by him on 21.04.2021 and the receipt issued by the respondent police in C.S.R.No.165 of 2021, which is treated as petition enquiry till date. Considering the above fact and the nature of allegation against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. 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]; and;

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

sd/-

15/09/2021

/ 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.



TO

1. THE JUDICIAL MAGISTRATE
THIRUMANGALAM

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12864 of 2021

Date :15/09/2021

SA/PN/SAR.1/22.09.2021/3P/5C