



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.13114 of 2021

Srinivasan

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli,
Thanjavur District.
(Crime No.540/2021).

... Respondent/Complainant

For petitioner : Mr.K.ARUNRAJ
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.540 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 323, 324 & 506(ii) of I.P.C. r/w. Section 4 of TNPHW Act, 2002, in Crime No.540 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.08.2021 at about 10.30 a.m., when the defacto complainant along with her relatives went to their coconut grove, the petitioner who is the younger brother of the defacto complainant came to the spot abused them with filthy language and threatened with dire consequences.

3.The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are brother and sister. He would further submit that there is a civil dispute between the petitioner and his younger brother. The defacto complainant on the earlier occasion entered into the farm and tried to pluck coconuts. When the same was questioned by this petitioner, she assaulted him. For that a case case been registered in Crime No.541 of 2021. Therefore, she had lodged this false complaint.



4.The learned Government Advocate submits that it is a civil dispute and injured has been discharged from the hospital.

5.Considering the nature of allegation against this petitioner and the fact that the dispute arising between the brother and sister is a civil dispute and the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with stringent 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, Thiruvaiyaru, 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
THIRUVAIYARU.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THIRUKATTUPALLI,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.13114 of 2021

Date : 15/09/2021

SA/VR/SAR.4/22.09.2021/3P/5C