



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

Date : 16/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13343 of 2021

C.Manikandan

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tirunelveli City.
(Crime No.12 of 2021).

... Respondent/Complainant

For Petitioner : MR.V.Kathirvelu, Senior Counsel for
M/s.K.Prabhu, Advocate.

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

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

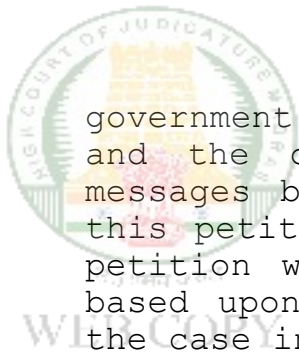
PRAYER :- For Anticipatory Bail in Crime No. 12 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 294(b), 354A, 354B, 354C, 509 and 506(i) IPC r/w. Section 4 of TNPWH Act 1998 and Section 66E & 67 of the Information Technology Act 2000, in Crime No.12 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an advocate and the petitioner/1st accused is her distant relative and he was working as a driver in fire services Department. Initially, they were in love affair and later the petitioner/1st accused refused to marry her. Hence, this complaint.

3.The learned counsel for the petitioner submits that considering the fact that this petitioner is also working in



government service, and there is some affair between the petitioner and the defacto complainant and there is exchange of similar messages between the parties, anticipatory bail may be granted to this petitioner. He further submits that in earlier occasion, this petition was closed by the order of this Court dated 17.09.2021, based upon the submission of the learned Government Advocate that the case in Crime No.12 of 2021 was closed as 'mistake of fact'.

4.The learned Government Advocate (Criminal side) appearing for the respondent would submit that instead of giving particulars about the accused Manikandan, they have given particulars about the accused Manimaran. It is also submitted that in both the cases, crime number is one and the same.

5.Considering the submission made by either side, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 Judicial Magistrate Court NO.I, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police once in a week on Saturday.

[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]**.



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

sd/-

16/11/2021

This Criminal Original Petition has been listed today under the caption for 'being mentioned'.

2.The learned counsel for the petitioner would submit that CrI.O.P(MD) No.13343 of 2021 was closed by the order of this Court dated 17.09.2021, based upon the submission of the learned Government Advocate that the case in Crime No.12 of 2021 was closed as 'mistake of fact'.

3.The learned Government Advocate (Criminal side) appearing for the respondent would submit that instead of giving particulars about the accused Manikandan, they have given particulars about the accused Manimaran. It is also submitted that in both the cases, crime number is one and the same.

3.In view of the above, the order dated 17.09.2021 passed in CrI.O.P(MD) No.13343 of 2021 is hereby recalled. Registry is directed to issue the fresh order copy, dated 16.11.2021, which is enclosed in a separate sheet.

/ 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 NO.I, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-8110[I] dated 16/11/2021)

ORDER IN

CRL OP(MD) No.13343 of 2021

Date :16/11/2021

VRN

<https://hmsvce.org/qa/qa-1/2021/3P.6C>