



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14382 of 2021

Jeyaraman ... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District.
(Crime No. 260/2021)

... Respondent/Complainant

For Petitioner : Mr.S.Ramasamy, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.260 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.260 of 2021, seeks anticipatory bail.

2.The prosecution case is that the petitioner, who is a JCB Driver, has asked the defacto complainant to call him and to talk with him in his mobile phone. Since the defacto complainant failed to meet his demand, he abused her and also threatened her. Humiliated over the same, the defacto complainant consumed several old pills and became unconscious and was admitted in the Hospital. Hence, the complaint.

3.Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as



alleged by the prosecution. However, he has filed an affidavit of the petitioner that the petitioner would not cause any trouble or any kind of harassment to the defacto complainant in future.

4. Heard the learned Government Advocate (Crl. side) appearing for the respondent police.

5. Considering the facts and circumstances of the case and also the affidavit of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, however, with certain 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 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 No. II, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 am., 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]**.

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

sd/-
06/10/2021

/ TRUE COPY /

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



gk

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.II,
Thoothukudi.
- 2.Do Through
The Chief Judicial Magistrate,
Thoothukudi.
- 3.The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP (MD) No.14382 of 2021
06.10.2021

TR/PN/SAR-I (12.10.2021) 3P 5C