



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.09.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14776 of 2021

Manikandan

... Petitioner/Accused(Sole)

Vs

State rep.by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.285 of 2021)

... Respondent/Complainant

For Petitioner : M/s.D.Pandiarajan, Advocate.

For Respondent : M/s.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.285 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 Sections 294(b), 323, 324, 354, 452 and 506(i) IPC and Section 4 of TNPHW Act, in Crime No.285 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's sister completed her 12th standard and preparing for NEET examination. Before one year, the petitioner asked her sister for marriage. But she refused to marry the petitioner, since she has to pursue her higher studies. Due to which, there was a wordy quarrel between them for the past one year. On 17.09.2021, when the de-facto complainant along with her sister came to the neighbour's house, the petitioner trespassed into her neighbour's house, abused the de-facto complainant in filthy language, assaulted the de-facto



complainant and her mother and also criminally intimidated them. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner and the de-facto complainant are close relatives and the petitioner is working at abroad. The de-facto complainant's mother deceived the petitioner that she would arrange marriage between him and her elder daughter and received a huge amount from him. After the receipt of the money, the de-facto complainant's family members refused for the marriage and when the same was questioned by the petitioner, there was a scuffle.

4.The learned Government Advocate (Crl. side) appearing for the respondent police opposed this petition on the ground that investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Peraiyur, 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 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.

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Sd/-
30/09/2021

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

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

ORDER
IN
CRL OP(MD) No.14776 of 2021
Date :30/09/2021

SP/JM/SAR I/27/10/2021/3P/5C