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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15771 of 2021

Ponnudurai

... Petitioner/Accused

Vs

State Rep by

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

(Crime No.302 of 2021)

... Respondent/Complainant

For petitioner : Mr.M.Prabu

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.302 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b) and 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.302 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and the de-facto complainant are neighbours and A1 along with this petitioner and others has scolded the de-facto complainant with filthy language and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that that this Court has already considered the case of the

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05.05.2021, made in Crl.OP(MD)No.6521 of 2021, with certain conditions. But, the petitioner could not arrange sureties due to the Covid-19 pandemic situation and therefore, he moved this second anticipatory bail application. Hence, he prayed for grant of anticipatory bail.

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4.The learned Government Advocate (Crl.side) appearing for the respondent police admitted that the petitioner has already been granted anticipatory bail by this Court, in Crl.OP(MD)No.6521 of 2021, dated 05.05.2021 and further submitted that he has not complied with the conditions stipulated therein.

5.Considering the nature of allegation levelled against the petitioner, the fact that the petitioner has already been granted anticipatory bail by this Court and due to the pandemic situation, he was not able to comply with the conditions stipulated in the earlier order, 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 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, Kovilpatti, Thoothukudi District, 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 every Monday 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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Sub-Assistant Registrar (C.S.)
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 No.II,
Kovilpatti, Thoothukudi District.
- 2.Do Through The Chief Judicial Magistrate,
Thoothukudi.
- 3.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.15771 of 2021
Date :20.10.2021

TR/JM/SAR-II(28.10.2021) 3P 5C