



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI
CRL OP(MD). No.15828 of 2021

WEB COPY

Panneerselvam

... Petitioner/Accused No.3

Vs.

State Rep by
The Inspector of Police,
Peraliyur Police Station,
Ramanathapuram District.
Crime No.116 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.Kannan, Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

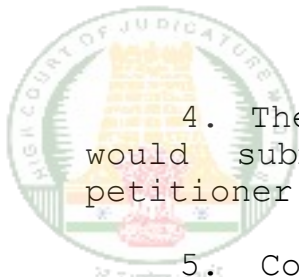
For Anticipatory Bail in Crime No.116 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 448, 435, 427, 323 and 506(ii) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.116 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the petitioner/A3. Due to family dispute and previous enmity, on 21.07.2021, at about 12.00 noon, all the accused came to the defacto complainant's house, abused the defacto complainant in filthy language and damaged the household articles of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that already there is dispute between the petitioner and the defacto complainant and hence, this case has been falsely foisted against him.



4. The learned Additional Public Prosecutor, on instructions, would submit that no previous case is pending against the petitioner.

5. Considering the fact that no previous case is pending against the petitioner, the fact that already there is dispute between the petitioner and the defacto complainant and also the fact that except the offence under Section 506(ii) of IPC, all other offences are bailable in nature this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Kamuthi, Ramanathapuram District and on him executing 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 Magistrate may obtain a copy of their Aadhaar cards or Bank pass Books to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with 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/-
12/10/2021

/ 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 Court,
Kamuthi, Ramanathapuram District.
2. Do Through The Chief Judicial Magistrate,
Ramanathapuram.
3. The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.15828 of 2021
Date : 12/10/2021

TR/SKN/SAR-I(20.10.2021) 3P 5C