



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16386 of 2021

Sathya @ Sathiyaraj

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Sessions Court Police Station,
Trichy.
(Crime NO.273 of 2021)

... Respondent/Complainant

For Petitioner : M/s.K.Arunraj, 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.273 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), 323, 324 and 506(ii) IPC r/w. Section 4 of Tamilnadu Women Harassment Act, in Crime No.273 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.06.2021, at about 6.45 p.m., the defacto complainant was speaking with his friends, Arun and Ramkumar at Vinayagar Kovil in Nayakkar Street. At that time, the petitioners and his friends were fighting among themselves and they also attacked the defacto complainant for seeing their fight. On the same day, at about 9.45 p.m., when the defacto complainant was sleeping in a cot in front of his house, the petitioner along with other accused had scolded the defacto complainant in filthy language and assaulted him and also threatened with dire consequences.



3. Learned Counsel for the petitioner submitted that this Court has already considered the case of the petitioner and granted anticipatory bail to him, vide order dated 01.07.2021, made in CrI.OP(MD)No.8652 of 2021, with certain conditions. But, due to pandemic situation, the petitioner was unable to produce sureties before the concerned Magistrate Court in time and therefore, he filed this second anticipatory bail application. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.side) appearing for the respondent police admitted that the petitioner has already been granted anticipatory bail by this Court, in CrI.OP(MD)No.8652 of 2021, dated 01.07.2021 and further submitted that he has not complied with the conditions stipulated therein.

5. Considering the nature of allegation levelled against the petitioner and also the fact that the petitioner has already been granted anticipatory bail by this Court and his failure to comply with the conditions stipulated therein, 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 Additional Mahila Court, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 is 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.

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/ TRUE COPY /

Sd/-
27/10/2021

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

OGY

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 ADDITIONAL MAHILA COURT,
TRICHY.
2. THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION,
TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16386 of 2021
Date :27/10/2021

SP/VR/SAR III/11/11/2021/3P/4C