



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.16973 of 2021

WEB COPY

Dharmaraj

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
Cr.No.158 of 2021

... Respondent/Complainant

For Petitioner : Mr.G.Bhagavath Singh
Advocate

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.158 of 2021 on the file of the respondent police.

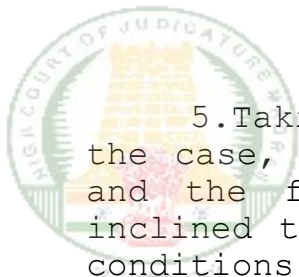
ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest 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, 2002, in Crime No.158 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 15.09.2021, the petitioner erected a hut in the defacto complainant's land. When the same was questioned by the defacto complainant, the petitioner scolded her in filthy language and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is yet to be completed. He would further submit that no one has sustained injury in this case.



5. Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioner and the fact that no one has sustained injury, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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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 cum District Munsif, Thiruvadanai, 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.

sd/-
02/11/2021

/ 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.

WEB COPY

TO

- 1.The Judicial Magistrate cum District Munsif,
Thiruvadanai.
- 2.Do Through The Chief Judicial Magistrate,
Ramanathapuram.
- 3.The Inspector of Police
S.P.Pattinam Police Station
Ramanathapuram District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.16973 of 2021

Date :02/11/2021

RS/PN/SAR1 (15.11.2021) 3P 5C