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

Date : 11/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17476 of 2021

Rajan ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
(Crime No.412 of 2021).

... Respondent/Complainant

For Petitioner : M/s.M.Laxmi Mahenduraa, Advocate.

For Respondent : M/s.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.412 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 452, 352, 354(B), 506(ii) IPC and 4 of TNPHW Act, in Crime No. 412 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 26.09.2021 the accused had trespassed into the house of the defacto complainant at 11.30PM and abused the mother of the defacto complainant in filthy language and assaulted her by hand in her left eye, with an intent to outrage her modesty and also threatened the defacto complainant's mother with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is not having any previous case.

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4.The learned Additional Public Prosecutor would submit that there was previous enmity between the parties. However, he would concede that no one was injured and the petitioner has no previous case at his credit.

5.Considering the facts that there existed previous enmity between the parties, that no one was injured in the incident and also the fact that the petitioner is not having any previous case for similar or serious offence, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Radhapuram, Tirunelveli 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
11/11/2021

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

PNM

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

+1. CC to M/S.LAXMI MAHENDRAA M Advocate SR.No.7993

ORDER
IN
CRL OP(MD) No.17476 of 2021
Date :11/11/2021