



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

Date : 17/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17842 of 2021

Vijayakumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.772 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Arunprasad,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 772 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324, 506(ii) I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.772 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 08.10.2021, the *defacto* complainant went to the house of the petitioner and questioned about the illegal relationship between his wife and the petitioner. There was wordy quarrel between them, in which, the petitioner had abused the *defacto* complainant and his wife in filthy language and assaulted them. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that a counter case has been registered in Crime No.773 of 2021 against the de-facto complainant and party and the petitioner is innocent. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is not yet completed and injured was discharged from the hospital. A counter case has been registered in Crime No.773 of 2021 against the de-facto complainant and party.

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5.Considering the facts that there existed previous enmity between the parties, as there was a rumour in the village about the illegal relationship between the petitioner and the wife of the defacto complainant, that injured was discharged from the hospital, that except the offence under Sections 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature, that the counter case in crime No.773 of 2021 is pending against the defacto complainant and party and 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, but 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, Additional Mahila Court (FTC Level), Thanjavur 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.

sd/-
17/11/2021

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/ /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,
ADDITIONAL MAHILA COURT(FTC LEVEL),
THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
VALLAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17842 of 2021
Date :17/11/2021

PNM
MS/VR/SAR-2/23.11.2021/3P.5C