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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18078 of 2021

Antonyjesumicheal

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Kulasekarapattinam Police Station,
Kulasekarapattinam,
Thoothukudi District.
(Crime No.293 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Vadivelan T, 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.293 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) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.293 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was some civil dispute between the parties, due to which, the petitioner abused the defacto complainant in filthy language and attacked him and also caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



4. The learned Additional Public Prosecutor appearing for the respondent would submit there was some civil dispute between the parties, due to which, the petitioner attacked the defacto complainant. He would further submit that the injured was discharged from the hospital.

5. Considering the fact that there existed civil dispute between the parties and also the facts that the injured was discharged from the hospital, that except the offence under Section 506(ii) IPC and Section 4 of TNPHW Act, all other offences are bailable in nature and that the petitioner is not having any previous case for similar or serious offence as stated by the learned Additional Public Prosecutor, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchendur 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 condition 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/-
19/11/2021

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/ /2021

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

DAS

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, THIRUCHENDUR.

2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
KULASEKARAPATTINAM,
THOOTHUKUDI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18078 of 2021
Date : 19/11/2021

SP/VR/SAR IV/26/11/2021/3P/5C