



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

Date : 17/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20158 of 2021

WEB COPY

Sekar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Cr.No. 764 / 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Loganathan,
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. 764 of 2021 on the file of the Respondent police.

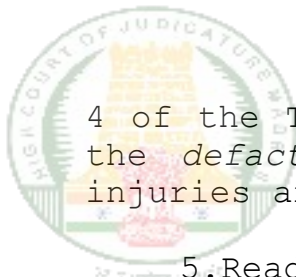
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 427, 506(i) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.764 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the accused abused the mother of the *defacto* complainant and pulled her saree and caused damages to the *defacto* complainant brother's two wheeler. Hence, the complaint.

3.The learned counsel for the petitioner would submit that it is a case in counter, based upon the complaint given by the petitioner, the counter case was registered in Crime No.765 of 2021 against the *defacto* complainant and that the injured was discharged from the hospital. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the petitioner, case in counter was registered in Cr.No.765 of 2021 for the offences under Sections 294(b), 323 and 506(ii) IPC and Section



4 of the Tamil Nadu Prohibition of Harassment of Women Act against the *defacto* complainant and in both the cases parties sustained injuries and in this case injured was discharged from the hospital.

5. Reading of the FIR shows that on 09.12.2021, the *defacto* complainant was informed by the petitioner to redeem his brother's RC book, by paying the borrowed amount and the *defacto* complainant went to the house of the petitioner and as he was not in the house, he called the petitioner, the petitioner abused him in filthy language and later the petitioner came there and assaulted with wooden logs.

6. Considering the facts and circumstances of this case, that the injured was discharged from the hospital, it is a case in counter and also considering the damages caused to the two wheeler, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Uthamapalayam and on their executing 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; the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.764 of 2021, before the Trial Court, within a period of two weeks from the date of receipt of the order copy and the petitioner shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
17/12/2021

/ 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,
Uthamapalayam.
 - 2.Do Through The Chief Judicial Magistrate,
Theni District.
 - 3.The Inspector of Police,
Uthamapalayam Police Station, Theni District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.E.SATHEESH, Advocate (SR-9463[I] dated 20/12/2021)

ORDER
IN
CRL OP(MD) No.20158 of 2021
Date :17/12/2021

RS/PN/SAR3(21.12.2021) 3P-6C