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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.20309 of 2021

Nirmal

... Petitioner/Accused No.1

Vs

State rep.by
The Sub Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.333/2021).

... Respondent/Complainant

For Petitioner : M/s.Arokiya Selva Ramesh.S, Advocate.

For Respondent : M/s.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.333/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 who apprehends arrest at the hands of the respondent police for the offence punishable under sections 294(b), 323, 506(ii) and 109 of IPC r/w Section 4 of TNPWH Act, in Crime No.333/2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that defacto complainant is the mother of the petitioner and she is a widow. Due to the dispute with regarding to sell the property, the petitioner and the other accused said to have abused the defacto complainant and her daughter in filthy language and assaulted with hands and caused injuries. Hence, this 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. Hence, he seeks anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) would submit that the petitioner is being the son of the defacto complainant, he picked up frequent quarrel with her by demanding money.

5.It appears that she met frequent trouble by this petitioner and she was also criminally intimidated by him and his conduct is not good.

6.But, however, considering the facts and circumstances of the case and also considering the fact that it is a family dispute between the son and his mother, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail, on executing a personal 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 Judicial Magistrate, Alangulam, Thenkasi District, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously.

8.The petitioner shall file an undertaking affidavit that he will not make any trouble to his mother in future on the date of surrender before the concerned Court. Let a copy of the affidavit shall send to the defacto complainant herein by the concerned Jurisdictional Magistrate and if any trouble is made by the petitioner in future, the anticipatory bail granted by this Court, shall stand automatically cancelled, without further reference of this Court.

Sd/-
20/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
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,
ALANGULAM, THENKASI DISTRICT.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20309 of 2021
Date :20/12/2021

SP/JC/SAR IV/28/12/2021/3P/5C