



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

Date : 29/12/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.21045 of 2021

Nallasivam

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Kulithalai Police Staton,
Karur District
(Crime No.961 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.961 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 I.P.C. r/w. Section 4 of Women Harassment Act, seeks anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the petitioner and the defacto complainant, due to which, the petitioner attacked the defacto complainant and his wife. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case.

4.The learned Government Advocate appearing for the respondent police submitted that the injured has been discharged from the hospital. However, he fairly conceded that no previous case is pending against the petitioner.



5.Considering the facts and circumstances of the case,the nature of allegations against the petitioner and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

WEB COPY

6.Accordingly, this Criminal Original Petition is allowed and 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 No.II, Kulithalai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum 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 learned Magistrate may obtain a copy of their Aadhaar 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 30 days, thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with the 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/ petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/12/2021

/ TRUE COPY /

/ /2022
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 NO.II,
KULITHALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KARUR DISTRICT.

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

+1. CC to MR.K.SIVABALAN, Advocate SR.No.9852.

ORDER
IN
CRL OP(MD) No.21045 of 2021
Date :29/12/2021

LS
MK/JC/SAR.II/03.01.2022/3P/6C