



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

Date : 03/02/2022

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

WEB COPY

CRL OP(MD).No.2086 of 2022

Marimuthu,

... Petitioner/Accused No.1

Vs.

The Inspector of Police,
Pulivalam Police Station,
Trichy District.
Cr.No.208 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Ganapathi Subramanian,P.
Advocate.

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

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

PRAYER :-

For the Anticipatory Bail in Crime No.208 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

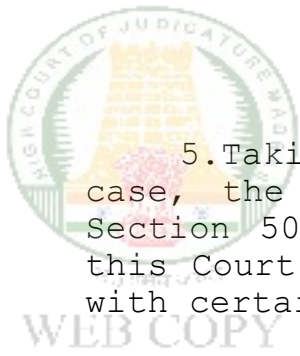
The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506(i) IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Cr.No.208 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioner along with other accused abused the *de-facto* complainant by using filthy language and also attacked her and her husband. Therefore, the present case came to be registered.

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

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is the second anticipatory bail petition. The petitioner's earlier application was dismissed by this Court on the ground that the petitioner is having two previous cases, which are similar in nature. He further submitted that the

<https://hccservices.mca.gov.in/hccservices/>



5. Taking into consideration the facts and circumstances of the case, the injured has been discharged from the hospital, except Section 506(ii) I.P.C, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this criminal original petition is allowed and 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, Thuraiyur, Trichy 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/02/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



vsd

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, Thuraiyur, Trichy District.

2.Do Through
The Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
Pulivalam Police Station,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KB/SBN/S1(07.02.2022) 3P 5C