



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD).No.1736 of 2022

Babu

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Marthandam Police Station,
Kanniyakumari District
(Crime No.33/2022)

... Respondent/Complainant

For Petitioner : Mr.K.P.Narayanakumar,
Advocate.

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

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

PRAYER :-For Anticipatory Bail Crime No.33 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 427, 379, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.33 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an Advocate and her husband is running a mobile shop in the building, which belongs to the petitioner. On 17.01.2022, at about 09.00 p.m, the petitioner along with others said to have threatened the defacto complainant to vacate the shop and assaulted her and her husband and also took away 3 mobile phones, which were kept inside of the shop. Hence, this complaint.

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



case. Hence, he prays to grant of anticipatory bail to the petitioner.

4.The learned counsel for the petitioner would submit that the husband of the defacto complainant is tenant of the petitioner. After expiring of agreement period, the husband of the defacto complainant has not vacated the premises. Over which, trouble has arisen between them. But, a false complaint has been given as if, the petitioner took away 3 mobile phones, which were kept inside of the shop. For the purpose of redeeming his possession, such a false complaint has been given. The CCTV footage installed nearby shop clearly shows that there was no such occurrence took place as alleged by the defacto complainant. The respondent police secured that CCTV footage for the purpose of investigation.

5.He would further submit that case in counter has been registered, based upon the complaint given by the petitioner in Crime No.34 of 2022 for the offence under Section 147, 148, 294(b), 324, 323, 379 and 506 (ii) IPC. It is alleged by the learned counsel for the petitioner that the defacto complainant and her husband alleged to have stolen a sum of Rs.2000/- from the pocket of the petitioner. It appears that tit for tat complaints have been given.

6.Considering the facts and circumstances of the case and also considering the fact that the trouble arose between the parties due to land dispute and it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Kuzhithurai, on condition that the petitioner shall execute 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 and the petitioner shall appear 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 appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
31/01/2022

/ 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.I,
KUZHITHURAI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANNYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.K.P.NARAYANAKUMAR, Advocate (SR-532[I] dated 01/02/2022)

ORDER
IN
CRL OP(MD) No.1736 of 2022
Date :31/01/2022

DSS
MK/VR/SAR.I/08.02.2022/3P/6C