



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

Date : 16.02.2022

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.2886 of 2022

Sendrayan

... Petitioner/Sole Accused

Vs.

The State rep.by,
The Inspector of Police,
Andipatti Police Station,
Theni District.
Crime No.734 of 2021

... Respondent/Complainant

For Petitioner : Mrs.S.Prabha

For Respondent : Mr.S.Manikandan

Government Advocate (Crl. Side)

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

PRAYER :-For Anticipatory Bail in Crime No.734 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 448, 354(A), 506(i) of IPC in Crime No.734 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that on 25.12.2021, the petitioner entered the defacto complainant's house, misbehaved with her and also threatened her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has submitted an affidavit seeking apology and stating that he will not indulge in such activities any more. Therefore, she prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent opposed this petition on the ground that investigation is still



5. The first anticipatory bail application in Crl.OP(MD) No.21090 of 2021 was dismissed as withdrawn on 29.12.2021, at the request of the learned counsel for the petitioner. The second anticipatory bail application in Crl.OP(MD)No.1211 of 2022 was dismissed on 28.01.2022, considering the seriousness of the offence committed by the petitioner. However, now the petitioner has filed an affidavit seeking apology for his action and has also given an undertaking that he will not indulge in such activities in future. Considering the affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Andipatti and on his 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 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 cards or bank pass books to ensure their identity.

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required for interrogation.

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

sd/-
16/02/2022

/ 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,
ANDIPATTY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ANDIPATTI POLICE STATION, THENI DISTRICT.

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

+1 CC to MR.S.PRABHA, Advocate (SR-1184[I] dated 16/02/2022)

ORDER

IN

CRL OP(MD) No.2886 of 2022

Date :16/02/2022

mbi

MK/SBN/SAR.III/23.02.2022/3P/6C