



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3373 of 2022

Vijayaragavan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Paramakudi,
Ramanathapuram District.
Crime No.29 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Arputharaj,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.29 of 2021 on the file of the Respondent police.

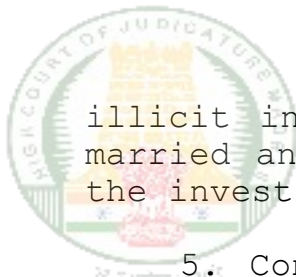
ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) I.P.C., and Section 4 of TNPHW Act in Cr.No.29 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are having illegal intimacy and both are already married and on 01.11.2021 when the defacto complainant came to the petitioner's house, the petitioner and his parents abused her in filthy language and also criminally intimidated. Hence, the present complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the
<https://hcservicescourts.gov.in/hcservices> submit that the petitioner who is already married had



illicit intimacy with the defacto complainant who is also already married and no one sustained injury in the alleged occurrence and the investigation is going on.

5. Considering the facts that no one sustained injury in the alleged occurrence and that except the offences under Section 506(i) I.P.C., and under Section 4 of TNPHW, other offences are bailable in nature and also considering the fact that all the other accused have already been arrested and released on bail and that the petitioner is not having any bad antecedents, 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 his 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, Paramakudi, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30a.m., for period of one month 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/02/2022

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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,
PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3373 of 2022
Date :17/02/2022

SSL
MK/SBN/SAR.II/23.02.2022/3P/5C