



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

Thursday, the Third day of March Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) No.3399 of 2022

SARAVANA PERUMAL

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI.
CR.NO.196/2021

... RESPONDENT/COMPLAINANT

MUTHAMMAL

... INTERVENE PETITIONER/PROPOSED RESPONDENT NO.2

For Petitioner : M/S.PAMELIN W Advocate
For Respondent : MR.M.MUTHUMANIKKAM,
Government Advocate (Crl.Side)
For Intervener : MR.M.PERUMAL, Advocate

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.196 OF 2021 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 307 IPC @ 341, 294(b) and 307 IPC and Section 4 of TNPWH Act, in Cr.No.196 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 29.12.2021, when the de-facto complainant was in the shop, the petitioner came there and demanded things, but the de-facto complainant refused to give the same and demanded the old balance of Rs.3,000/- from the petitioner, for which, the petitioner abused her in filthy language and also assaulted the de-facto complainant's husband with crow-bar on his leg. Hence, the complaint.

3.The learned counsel for the intervenor would submit that the de-facto complainant has suffered grievous injury and that the petitioner has been doing such activities continuously in the area.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the injured was discharged from the hospital and that the petitioner is not having any previous case for similar offence.

5.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, he has given an undertaking that he will not indulge in such criminal activities and will not cause any disturbances to the de-facto complainant or his family members.

6.Considering the above facts and circumstances and also the facts that the injured was discharged from the hospital, that the petitioner is not having any previous case for similar or serious offence and also taking note of the undertaking affidavit given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7.Accordingly, 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, Nanguneri, 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall stay at Villupuram and report before the Inspector of Police, B1 Town Police Station, Villupuram daily at 10.30 a.m. for a period of 30 days and thereafter, report before the respondent police daily at 10.30 a.m., until further orders.

(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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/03/2022

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/ /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,
NANGUNERI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
B1 TOWN POLICE STATION,
VILLUPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.W.PAMELIN, Advocate (SR-1678[I] dated 03/03/2022)

ORDER
IN
CRL OP(MD) No.3399 of 2022
Date :03/03/2022

RS/SBN/SAR.1 (09.03.2022) 3P-7C