



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

Date : 15/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4093 of 2022

Mamundi

... Petitioner/Accused No.4

Vs

The State Rep. By,
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
(Crime No.89 of 2022)

... Respondent/Complainant

For Petitioner : Mr.V.Illanchezian
Advocate.

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

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

PRAYER :-

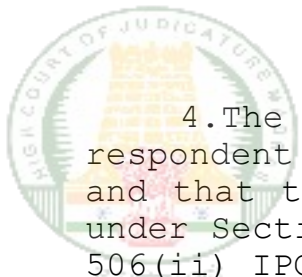
For Anticipatory Bail in Crime No.89 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 343, 313 and 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Cr.No.89 of 2022, seeks anticipatory bail.

2.The de-facto complainant is the wife of A1 and she was pregnant at the time of occurrence. Due to family dispute between A1 and the de-facto complainant, the petitioner along with A1 abused and beaten the de-facto complainant and also detained her in the house. Thereafter, A1 took her to his grandfather's house and aborted the pregnancy and also harassed her with life threat. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the friend of A2, who is none other than the father of the first accused and that he has nothing to do with the alleged occurrence. He would further submit that the petitioner is residing at Trichy, but the incident was alleged to have occurred at Karur.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first accused was already arrested and that the petitioner is having a previous case for the offences under Sections 147, 365, 395, 307, 420, 447, 342, 325, 387, 120B and 506(ii) IPC of the year 2011.

5.Considering the nature of charges levelled against the petitioner and also the fact that except the case registered in the year 2011, he is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but 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 fifteen days from the date of receipt of a copy of this order, before the learned Mahila Judicial Magistrate, Karur, 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 report before the respondent police daily at 10.30 am for a 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 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/-
15/03/2022

/ 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 MAHILA JUDICIAL MAGISTRATE,
KARUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.ILLANCHEZIAN, Advocate (SR-2034[I] dated
15/03/2022)

ORDER
IN
CRL OP(MD) No.4093 of 2022
Date :15/03/2022

USK/PN/SAR-IV/21.03.2022/3P/6C