



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.04.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4361 of 2022

Vasanth Rejesh

... Petitioner/Sole Accused

Vs

The State represented by its
The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.
(Crime No.46 of 2022)

... Respondent/Complainant

Sheela

...Petitioner/Intervener/
De-facto Complainant
in CRL MP(MD)No. 4279 of 2022

For Petitioner : Mr.M.S.Jeyakarthik, Advocate.

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

For Intervenor : Mr.P.R.Boomee Rajan, Advocate.
in CRL MP(MD)No. 4279 of 2022

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

PRAYER :-

For Anticipatory Bail in Crime No.46 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506(1) IPC and Section 4 of TNPHW Act, in Crime No.46 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner called the defacto complainant over mobile phone and talked sexually with her and thereby harassed her. Hence, the complaint.



3.The learned counsel for the intervenor would submit that in the earlier incident also, the petitioner has misbehaved with the defacto complainant and the case was registered in Crime No.19 of 2017 for the offence under Sections 294(b) and 506(1) IPC and Section 4 of TNPHW Act and that subsequently on 11.02.2022, he had again misbehaved with the defacto complainant and on the basis of which, the present FIR came to be registered.

4.The learned Government Advocate (Criminal Side) would submit that the respondent police had also filed a final report in connection with the earlier case in Crime No.19 of 2017.

5.The learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, the petitioner has stated that he will not indulge any such activities as against the defacto complainant in future and rendering his sincere apology to the defacto complainant.

6.Considering the facts that there existed neighbourhood dispute between the parties and that no one was injured the incident and also taking note of the undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruvadanai, 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 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 card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

sd/-
08/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUVADANAI.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-3190[I] dated 11/04/2022)

+1 CC to M/s.PR.BOOMEERAJAN, Advocate (SR-3208[I] dated 11/04/2022)

ORDER
IN
CRL OP(MD) No.4361 of 2022
Date :08/04/2022

PKP/RJ/SAR-2/18.04.2022/3P/7C

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