



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.5413 of 2022

S.Mathan

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Ariyamangalam Police Station,
Trichy City
(Crime No. 95 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran.K.M,
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.95 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

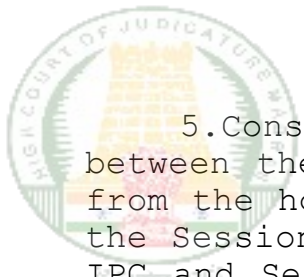
The petitioner/A2, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 341,
294(b), 323, 447 and 506(i) IPC r/w Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act, in Cr.No.95 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that due to previous enmity
between the parties, the petitioner and other accused person went to
the de-facto complainant's house, abused him in filthy language and
also attacked him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and not committed any offence as alleged by
the prosecution. He would further submit that A1 was already
granted anticipatory bail by the Sessions Court in Cr.M.P.No.658 of
2022 on 17.02.2022. Hence, he seeks anticipatory bail to the
petitioner.

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 having 14 previous cases and all
the cases were already disposed of.

<https://hcservices.ecourts.gov.in/hcservices/>



5.Considering the fact that there existed previous enmity between the parties and also the facts that injured was discharged from the hospital, that A2 was already granted anticipatory bail by the Sessions Court and that except the offence under Section 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, all other offences are bailable in nature, 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 Additional Mahila Court, Trichy, 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 Mahila Court 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 learned Mahila Court 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/ Mahila 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/Mahila 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/-

23/03/2022

/ 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 ADDITIONAL MAHILA JUDGE,
TRICHY.
- 2 THE INSPECTOR OF POLICE
ARIYAMANGALAM POLICE STATION, TRICHY CITY
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.5413 of 2022
Date :23/03/2022

SS/SVR/SAR:IV/01.04.2022 : 3P/4C