



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 06.04.2022

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PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP(MD) . No.6067 of 2022**

Kodeeswaran

...Petitioner/Accused No.2

Vs

State rep.by  
The Sub Inspector of Police,  
Watrap Police Station,  
Virudhunagar District.  
(Crime No.131/2021)

... Respondent/Complainant

For Petitioner : Mr.A.D.Ganeshamoorthy, Advocate.

For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.131 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 336 and 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998, in Crime No.131 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. Due to a dispute in connection with the wall standing between their houses, the petitioner and his family members assaulted the defacto complainant and his family members and caused injuries. Hence, the complaint.

3. This is the fifth anticipatory bail petition. This Court, while hearing the fourth anticipatory bail petition, granted interim protection to the petitioner with a direction to pay medical expenses to the victim. But, the petitioner failed to do so.



Therefore, this Court, by order dated 16.12.2021, dismissed the anticipatory bail petition.

4. Now, the petitioner has moved this fifth anticipatory bail petition stating that he is now prepared to pay a sum of Rs.20,000/- (Rupees twenty thousand only) towards medical expenses to the victim.

5. Considering the nature of allegations levelled against the petitioner and also considering his readiness to pay a sum of Rs.20,000/- towards medical expenses to the victim, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed. 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 Additional Mahila Court, Srivilliputhur, Virudhunagar District, 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. for a period of two weeks and thereafter, as and when required;

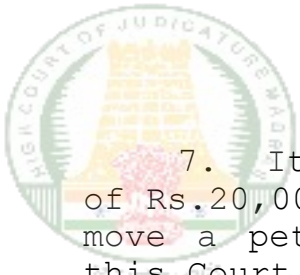
[c]the petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the victim, within a period of 15 days from the date of receipt of a copy of this order;

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e]the petitioner shall not abscond either during investigation or trial;

[f]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

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



7. It is made clear that if the petitioner fails to pay a sum of Rs.20,000/- to the victim, the respondent Police is at liberty to move a petition for cancellation of anticipatory bail granted by this Court.

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Sd/-  
06/04/2022

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

TO

1. THE ADDITIONAL MAHILA COURT,  
SRIVILLIPUTHUR,  
VIRUDHUNAGAR DISTRICT.
2. THE SUB INSPECTOR OF POLICE,  
WATRAP POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.GANESHAMOORTHY A.D. Advocate SR.No.3036

ORDER  
IN  
CRL OP(MD) No.6067 of 2022  
Date :06/04/2022

SP/SVR/SAR I/13/04/2022/3P/5C