



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.04.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6293 of 2022

Gnana Asivatham

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Koodalpudur Police Station,
Madurai.

(Crime No.109 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.Kubendran,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.109 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), 323, 324, 355 and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.109 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there existed previous enmity between the parties, the petitioner attacked the defacto complainant and abused her in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the case in counter is pending in Crime No.110 of 2022 against the defacto complainant.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured was already discharged from the hospital.

5.Considering the facts that there existed previous enmity between the parties, that the injured was already discharged from the hospital, that except the offences under Sections 355 and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature and that the case in counter is pending, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 Judicial Magistrate No.IV, Madurai, 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 one month and thereafter, as and when required for interrogation.

[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/-
05/04/2022

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3 THE INSPECTOR OF POLICE
KODALPUDUR POLICE STATION,
MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC TO MR.M.KUBENDRAN, ADVOCATE (SR-16931[F] dated 06.04.2022)

ORDER
IN
CRL OP(MD) No.6293 of 2022
Date :05/04/2022

RS/VR/SAR.2 (12.04.2022) 3P-5C