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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9185 of 2022

Vijayakumar

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Puluthipatty Police Station,
Sivagangai District.
(Crime No.29/2022).

... Respondent/Complainant

For Petitioner : M/s.Ramanathan AN, Advocate.
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)
For Defacto : Mr.R.Vignesh, Advocate
Complainant

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

PRAYER :-

For Anticipatory bail in Crime No.29/2022 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 offences punishable under Sections 341, 323, 379 and 506(i) r/w.Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.29 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was working as Supervisor in 100 days works scheme. On 12.05.2022, when she was moving in a two-wheeler, the petitioner intercepted her and quarreled with her. Therefore, the present case came to be registered.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is almost completed.

5. The learned counsel appearing for the defacto complainant would submit that the vehicle, which belongs to the defacto complainant, was retained by the respondent Police for no reason.

6. However, no such allegation was found in the First Information Report. If the vehicle is retained by the Police, the defacto complainant can approach the concerned Authority and file the complaint.

7. Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this criminal original petition is allowed and 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 Court, Singampunari, Sivagangai 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 on every Wednesday and Saturday at 10.30 a.m., for a period of eight weeks 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]**.

Sd/-
18/05/2022

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23/05/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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,
SINGAMPUNARI,
SIVAGANGAI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PULUTHIPATTY POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. RAMANATHAN AN Advocate SR.No.4839

+1. CC to M/S.R.VIGNESH, Advocate SR.No.4756

ORDER
IN
CRL OP(MD) No.9185 of 2022
Date :18/05/2022