



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 14/06/2022
PRONOUNCED ON : 17/06/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9957 of 2022

Ayyanar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
In (Crime No.74 of 2022).

... Respondent/Complainant

Neelavathi

... Intervening Petitioner/
De-facto Complainant
In Crl.MP(MD).6636/2022 in
Crl.OP(MD).9957/2022

For Petitioner : Mr.M.JEGADEESH PANDIAN, Advocate

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

For Intervenor : Mr.V.ANGUSAMY, Advocate

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

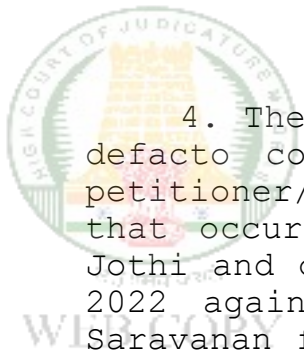
PRAYER :- For Anticipatory Bail in Crime No.74 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 452, 323, 294(b), 506(ii) I.P.C., and Section 4 of TNWH Act, in Crime No.74 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.05.2022 at about 10.00hours, due to previous enmity, the accused entered into the house of the defacto complainant and assaulted her.

3. The petitioner's case is that he is innocent and he has not committed any offence as alleged by the prosecution.



4. The learned Counsel for the petitioner would submit that the defacto complainant's daughter trespassed into the house of the petitioner/first accused and assaulted the petitioner's wife and for that occurrence, a complaint was lodged by the petitioner's wife Jothi and on that basis F.I.R., came to be registered in Cr.No73 of 2022 against the defacto complainant's daughter Kavitha and one Saravanan for the offences under Sections 452, 323, 355 and 506(ii) I.P.C., and that in order to counter blast to the said F.I.R., the defacto complainant has lodged the above false complaint on the next day.

5. It is not in dispute that the petitioner and the second accused have earlier moved an application for anticipatory bail before this Court in Crl.O.P.(MD)No.8978 of 2022 and this Court, vide order dated 11.05.2022 dismissed the petition so far as the present petitioner is concerned and granted anticipatory bail to the second accused.

6. The learned Counsel for the intervenor/defacto complainant would submit that the petitioner though projected himself as an Advocate, he is not a practicing Advocate, instead he engaged in illegal sand mining and taking contract works from the Government in the name of his wife Jothi and that in order to run his illegal business, he has been actively involving in the local politics, that the petitioner is having six previous cases and that he has already been punished by the Bar Council of Tamilnadu and Pudhucherry for his professional misconduct.

7. As rightly contended by the learned Counsel for the petitioner, since the injured was not discharged from the hospital and considering the bad antecedents of the petitioner, earlier application was dismissed. The learned Counsel for the petitioner would submit that the petitioner was granted anticipatory bail for the case registered in Cr.No.75 of 2022, in Crl.O.P.(MD)No.9357 of 2022, vide order dated 18.05.2022 and he was already granted anticipatory bail in connection with Cr.No.82 of 2022 in Crl.O.P.(MD)No.9718 of 2022, vide order dated 01.06.2022 by this Court.

8. Considering the above facts and circumstances and the fact that there existed previous enmity between the parties and also the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Additional Mahila Court, Srivilliputhur, Vellore District.



10. On production of such receipt/ acknowledgment, the petitioner is ordered to be released on bail in the event of his 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, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the Srivilliputhur Town Police Station, daily at 10.30a.m., for a period of 15 days and thereafter before the respondent police daily at 10.30a.m., until further orders;

(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/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

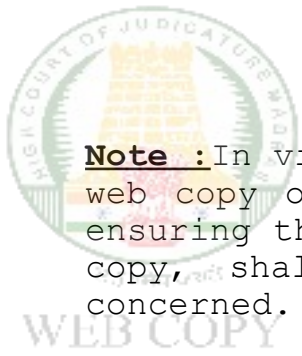
sd/-

17/06/2022

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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 JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE OFFICER INCHARGE
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
SRIVILLIPUTHUR.

+1. CC to M/S.JEGADEESH PANDIAN M Advocate SR.No.5724

**ORDER
IN**

CRL OP(MD) No.9957 of 2022
Date :17/06/2022

SA/PN/SAR.2/28.06.2022/4P/8C