



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/10/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.13345 of 2022

Harikrishnan

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
(Crime No.77 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Balaji.A,
Advocate.

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

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

PRAYER :-

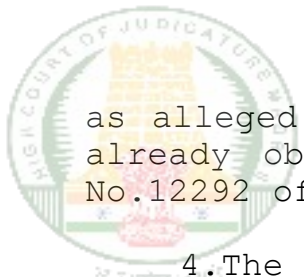
For Anticipatory Bail in Crime No.77 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 354A (2), 294(b) and 506(i) IPC, in Cr.No.77 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 26.06.2022, at about 06.50 p.m., when the de-facto complainant's daughter was returning home along with the cow after farming, the petitioner stopped her from behind by pulling her saree and tried to sexually assault her. When she tried to ran away from the occurrence place, her saree got torn and the petitioner threatened to kill her. On the next day, the mother of the petitioner/A2 went to the de-facto complainant's home and threatened them with dire consequences not to reveal anything about the incident. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to previous motive, a false case was foisted against the petitioner and the petitioner is innocent and he has not committed any offence



as alleged by the prosecution. He would further submit that he has already obtained anticipatory bail by this Court in Crl.O.P.(MD) No.12292 of 2022, dated 08.07.2022.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is having no previous case. The investigation is almost over.

5.Considering the facts and circumstances of the case and also considering the facts that no previous case is pending against the petitioner and A2 was already obtained anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners 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 Judicial Magistrate, Thiruchuli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am 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 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;

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

sd/-

10/10/2022

/ TRUE COPY /

/10/2022

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

+1. CC to M/S. BALAJI.A Advocate SR.No.48626(F), DATED :
10.10.2022.

ORDER
IN
CRL OP(MD) No.13345 of 2022
Date :10/10/2022

USK/VR/SAR-I/11.10.2022/3P/6C