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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.13878 of 2022

Thanam @ Krishnasamy

... Petitioner/Solo Accused

Vs

1.The State rep.by,
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No.291 of 2022.

... Respondent/Complainant

2.Nithya

...Intervening Petitioner/
Defacto Complainant

For Petitioner : M/s.Vaigunth A.S,
Advocate.

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

For Intervener : M/S.C.Susi Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.291 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 355 and 506(1) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.291 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the petitioner abused the de-facto complainant in English language. Hence, the complaint.

<https://www.mhc.gov.in/judis>



3. On the side of the petitioner, it is stated that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and prayed the petitioner to be released on anticipatory bail.

4. On the side of the intervenor, it is stated that the petitioner has attempted to grab the de-facto complainant's property and attacked her and also threatened her with dire consequences and the intervenor raised serious objections for the release of the petitioner.

5. On the side of the prosecution, it is stated that due to civil dispute, the petitioner attacked the de-facto complainant. It is further stated that the petitioner is having two previous cases and prayed the petition to be dismissed.

6. Considering the nature of the offence and on considering the fact that there existed civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this petition is allowed and 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 Additional Mahila Court, Srivilliputhur, 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 respondent Police or to the Police Officer, who intends to arrest or 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 for a period of two weeks and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 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/-

13/09/2022

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

SJI

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 JUDGE, ADDITIONAL MAHILA COURT, SRIVILLIPUTHUR.

2.THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13878 of 2022

Date :13/09/2022

RK/SVR/SAR-2 (19/09/2022) 3P/4C