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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

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

CRL OP(MD) . No.14683 of 2022

Uthayakumar

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
C1-Thideer Nagar (Law & Order) Police
Station,
Madurai City.
(Crime No.315 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Gandhi.R, Advocate.

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

For Intervenor : Mr.N.Mohideen Basha, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.315 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 506(i) and 294(b) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998, in Cr.No.315 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute between the landlord and the tenant, on 19.12.2021, the de-facto complainant asked the monthly rent, the accused persons denied the same and threatened her with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that there is a civil dispute pending between the parties, 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. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally two accused in this case and A1 was already arrested and released on bail. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. The investigation is still pending and hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned counsel for the intervenor strongly opposed this petition stating that the de-facto complainant asked monthly rent to the petitioners, the petitioners refused to give the same and also attacked the de-facto complainant.

6.Considering the facts and circumstances of the case and also considering the facts that it is a dispute between the landlord and tenant and the injured was discharged from the hospital and the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 No.V, Madurai, 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 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/-
27/10/2022

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/11/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.V,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
C1-THIDEERNAGAR (L & O) POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.GANDHI.R Advocate SR.No.12099

ORDER
IN
CRL OP(MD) No.14683 of 2022
Date :27/10/2022

SP/GB/SAR II/04/11/2022/3P/6C