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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.16510 of 2021

Sathishkumar,

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Thottiyam Police Station,
Thottiyam,
Thottiyam, Trichy District.
Cr.No. 334 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj, Advocate.

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

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

PRAYER :-

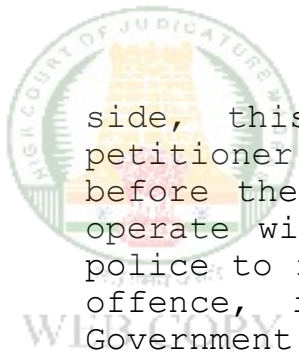
For Anticipatory Bail in Crime No.334 of 2021 on the file of the Respondent Police.

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), 354 and 506(i) IPC r/w Section 4 of Women Harassment Act, in Cr.No.334 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel between the parties, the petitioner abused the de-facto complainant in filthy language and trying to misbehave with her. Hence, the complaint.

3.When the matter was taken up for hearing on 28.10.2021, <https://hcservices.ecourts.gov.in/hcservices/> considering the submissions made by the learned counsel on either



side, this Court has granted interim anticipatory bail to the petitioner for a period of two weeks and directed him to appear before the respondent police for a period of two weeks and to co-operate with the investigation and further directed the respondent police to find out the involvement of this petitioner in the alleged offence, if any. Thereafter, at the request of the learned Government Advocate (Crl. side), the matter was adjourned and interim order was also extended.

4.Today, when the matter is taken up for hearing, the learned Government Advocate (Crl. side) for the respondent police would submit that the investigation is almost completed.

5.Considering the above facts and circumstances and also taking note of the fact that the investigation is almost completed and also the fact that the petitioner is having the benefit of interim order till now, this Court is inclined to grant anticipatory bail to the petitioner, but 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 Court, Musiri, 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 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 one month and thereafter, as and when required for interrogation.

(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/-
17/02/2022

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/ /2022
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 JUDICIAL MAGISTRATE,
MUSIRI
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION, THOTTIYAM,
THOTTIYAM, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-1255[I] dated 17/02/2022)

ORDER
IN
CRL OP(MD) No.16510 of 2021
Date :17/02/2022

PKP/PN/SAR-3/24.02.2022/3P/6C