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CRL OP(MD). N



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

Date : 28/09/2022

PRESENT

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

CRL OP(MD). No.15862 of 2022

Raja ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kadaiyanallur Police Station,
Tirunelveli District
(Crime No.277 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Kasirajan.S,
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.277 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 448,354 of IPC and Section 4 of TNPHW Act in Cr.No.277 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein trespassed into the house of the defacto complainant and hugged her from behind. On hearing the alarm made by her, the husband of the defacto complainant came to the house and on seeing him he fled away from the place of occurrence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that due to enmity, a false case foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



4.The learned Government Advocate(Crl.Side) would submit at no previous case is pending against the Petitioner.

5.Considering the facts and circumstances of the case and also taking into consideration the nature of offence and also taking note of the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner 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, Tenkasi 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/-

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
KADAIYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT

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

+1 CC to M/s.S.KASIRAJAN, Advocate (SR-10679[I] dated 28/09/2022)

ORDER

IN

CRL OP(MD) No.15862 of 2022

Date :28/09/2022

AAV

MK/GB/SAR. /07.10.2022/3P/6C