



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

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16008 of 2022

WEB COPY

Gopal

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District.
Crime No. 137 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jeyakarthik.M.S,
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.137 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) IPC and Section 4 of TN Prohibition of Women Harassment Act, 2002 in Cr.No.137 of 2022, seeks anticipatory bail.

2.The case against the petitioner is that the petitioner attacked the de-facto complainant and abused her in filthy language. Hence, the above case has been registered against the petitioner.

3.On the side of the petitioner, it is stated that there is a dispute regarding conducting pooja in the temple and that there is a land dispute between the de-facto complainant and the accused and that the de-facto complainant and others attacked the petitioner and a case in Crime No.137 of 2022 was registered against the de-facto complainant. To escape the clutches of law, the de-facto complainant lodged a false complaint against the petitioner and prayed the petitioner to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that totally there are four accused involved in the offence and the petitioner is A1. The prosecution has fairly admitted that the complainant/injured was discharged from the hospital on 21.08.2022 and that there is no previous case against the petitioner.



5. Considering the nature of the offence and on consideration of the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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

SJI

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



Note : In view of the present lock down owing to COVID-19, 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.

WEB COPY

1. THE JUDICIAL MAGISTRATE , PARAMAKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE,
PARTHIBANUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. JEYAKARTHIK M S Advocate SR.No.9693

ORDER
IN
CRL OP(MD) No.16008 of 2022
Date : 06/09/2022

RK/VRS/SAR- II (13/09/2022) 3P/6C