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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)
Reserved on : 07/09/2022
Delivered on : 16/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16112 of 2022

Velmurugan

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi District.
(Crime No.9/2022).

... Respondent/Complainant

For Petitioner : M/s.Prabu M, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.9/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 294 (b), 506(ii) IPC and Section 4 of Women Harassment Act, in Crime No. 9 of 2022, seeks anticipatory bail.

2. The allegation against the petitioner is that before one year, the petitioner was having love affairs with the defacto complainant and both parties were willing to get married. Later misunderstanding arose between them, the petitioner threaten the defacto complainant by using filthy language and also harrassed her. A case in Crime No.9 of 2022, was registered against the petitioner.



3. On the side of the petitioner, it is stated that the petitioner has not committed an offence and a false case is foisted against the petitioner and prayed the petitioner to be released on anticipatory bail.

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4. On the side of the prosecution, it is stated that there was marriage talk between the petitioner and the defacto complainant. Later, the defacto complainant refused to marry the petitioner and that the petitioner abused her and threatened her. If the petitioner was released on bail, he may harass the defacto complainant and prayed the petition to be dismissed.

5. Considering the nature of the offence, 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, Vilathikulam, Thoothukudi District, 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 be present before the Court on hearing dates and before the respondent police as and when required;

(e) The petitioner shall not disturb the defacto complainant and her family members in any manner.

(f) 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;



(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
16/09/2022

/09/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

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,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16112 of 2022
Date :16/09/2022