



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

Date : 12/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16385 of 2022

M.Venkateshkumar

... Petitioner/Accused

Vs

The State Rep. By,
The Sub Inspector of Police,
Kundrakkudi Police Station,
Kundrakudi, Karaikudi Taluk,
Sivaganga District.
(Cr No.95/2022).

... Respondent/Complainant

For Petitioner : M/s.Sundar Srinivasan R,
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.95/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 427 and 506(i) IPC r/w Section 4 of TNPHW Act, 2002, in Cr.No.95 of 2021, seeks anticipatory bail.

2.The case against the petitioner is that the petitioner had continuously harassed the de-facto complainant's daughter and threatened her by stating that if she failed to love him, he would kill her parents and thereafter, on 02.09.2022, the petitioner trespassed into the de-facto complainant's house and attacked her daughter and mother and abused them in filthy language and damaged the household articles and also threatened him with dire consequences. Hence, the complaint.



3. On the side of the petitioner, it is stated the petitioner and the de-facto complainant are close relatives and due to some misunderstanding between both the families, a false case was foisted against the petitioner prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the investigation is pending.

5. Considering the nature of the offence and on considering the fact that there is no bad antecedent against the petitioner, 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, Karaikudi, 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 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/-

12/09/2022

/ TRUE COPY /

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



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,
KARAIKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
KUNDRAKKUDI POLICE STATION,
KUNDRAKUDI, KARAIKUDI TALUK,
SIVAGANGA DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-9879[I] dated 12/09/2022)

ORDER
IN
CRL OP(MD) No.16385 of 2022
Date :12/09/2022

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